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House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mrs. BIGGERT).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,

April 29, 2003.

I hereby appoint the Honorable JUDY BIGGERT to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,

Speaker of the House of Representatives.

PRAYER

The Reverend Edward J. Burns, Executive Director, Secretariat for Vocations and Priestly Formation at the United States Conference of Catholic Bishops, Washington, D.C. offered the following prayer:

Blessed are You, Lord God of all creation, the God of Abraham, Isaac, and Jacob, the father of Jesus and God of us all. We thank You for the many gifts You have given us out of love. We praise You for the wonders of Your works. We now ask that You bless us.

As the Members of the United States House of Representatives reconvene after their holiday recess, we are mindful of Your many gifts of salvation and redemption. We ask now that You bless these men and women. Grant them the strength, grace, perseverance, and wisdom to carry out the task that lies ahead of them. Bless their endeavors and give success to the work of their hands.

Bless our troops who are serving our country; in particular, those men and women who are serving in Operation Iraqi Freedom. Guide them, protect them, and grant peace and consolation to their families.

We recognize that we do not work alone; but rather, we rely on our broth-

ers and sisters. Bless our constituents and colleagues, our friends and loved ones. May we serve faithfully in bringing forth a Nation that is just, one that keeps faith and hope alive.

We ask this in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Virginia (Mr. WOLF) come forward and lead the House in the Pledge of Allegiance.

Mr. WOLF led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EXPLAINING OPPOSITION TO TAX RELIEF

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Madam Speaker, the number one domestic priority of this administration and this Congress is to stimulate the sluggish economy. The President's tax relief proposal will create jobs. It will grow the economy. It will spur investment and innovation in the private sector. And it will put more money into the pockets of the American men and women who earn it.

By contrast, the alternative plan being touted is insufficient, and its proponents have some explaining to do. As the President put it the other day, if they agree that tax relief creates

jobs, then why are they for a little itty bitty tax relief package?

Well, some oppose tax relief because they think the money belongs to the government instead of the people who earn it. The good news is that this is an intellectually consistent response. The bad news is, the only person in the Western Hemisphere who believes it is Fidel Castro.

Others say they worry about the deficit, but their argument contradicts itself. The budget was balanced in the 1990s through spending restraint and economic growth. Letting people keep more of their own money stimulates the economy and limits our ability to spend.

Those opposing significant tax relief would intentionally hamstring the economy and leave hundreds of billions in Washington, D.C. to be spent like a stray \$20 bill in Las Vegas, not exactly a recipe for a balanced budget.

Finally, some in Washington just attack everything that the President proposes. This, unfortunately, describes too many Democrats in Congress, more interested in griping than governing.

Madam Speaker, whether their reasons are extreme, self-contradictory, or partisan, the enemies of significant tax relief are wrong. We need real tax relief to create jobs, grow an economy that can afford all our priorities, balance the budget, and hold the line on spending. That is, after all, why the American people elected Republican leaders in the first place.

PAYING TRIBUTE TO THE LIFE OF CORPORAL ARMANDO ARIEL GONZALEZ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, I rise today to pay

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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tribute to the life of Corporal Armando Ariel Gonzalez, who gave his life bringing freedom to the oppressed people of Iraq.

Armando understood the significance of Operation Iraqi Freedom better than most Americans because, as a teenager, he and his father used a raft to escape from an oppressive regime in Cuba to find liberty in America.

Corporal Gonzalez was a dedicated Marine assigned to the Marine Wing Support Squadron 273 stationed at the Marine Corps Air Station Beaufort in South Carolina. He served bravely in a hostile environment, and supported one of the most successful military campaigns in history, one that will be immortalized along with the battles of Belleau Woods, Okinawa, Inchon, and Khe Sanh.

Armando fought for a country he could not call his own, but has received his citizenship posthumously, thanks to the hard work of the gentleman from Florida (Mr. LINCOLN DIAZ-BALART).

He leaves behind a loving wife, Liudmila, who is expecting their first child. His baby will be born an American, and can be proud of a father who died as a true patriot. In conclusion, God bless our troops.

REPUBLICANS PROPOSE RECKLESS TAX CUT WHILE MILLIONS OF AMERICANS GO WITHOUT HEALTH INSURANCE

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, just a few steps away from the floor of the House, there are many of us gathered near the Senate, standing up to speak on behalf of the 75 million uninsured Americans: physicians, representatives of hospitals, the American Medical Association, the National Medical Association, nurses' organizations, students; individuals who recognize, Madam Speaker, that it is not gripping when we say that we cannot afford a \$726 billion tax cut that will result in a \$1.7 trillion deficit in this economy, it is the people of the United States. It is the veterans who are disenrolled who cannot go to veterans' hospitals even as I speak, even in my congressional district, because we have no money in the budget. It is the young men and women who are willing to offer themselves as the ultimate sacrifice in Iraq, the United States troops who will be returning, individual troops who make a \$1,000 a month who cannot afford, when they leave the service, good health care.

That is why we believe the tax cut cannot and should not be passed, because of the millions of individuals who are uninsured.

I believe we should stand for what America believes in. That is the promise of America, that all of us should have equal access to health care. I be-

lieve that is what we should invest in, the people of this country rebuilding around the world our friendship, and not passing a reckless tax cut.

ESSENTIAL AIR SERVICE BILL

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, on March 23 the Federal Department of Transportation decided to yank funding from the Lancaster Airport in my district, denying the airport of its ability to provide commercial air services.

The Department operates a program called the Essential Air Services Program which provides subsidies to airlines that serve smaller markets that would otherwise go without commercial service. But the Department of Transportation is wrong in this case.

The 68-mile route it chose between Route 30 to Philadelphia International Airport takes 3 hours to drive or more. The route most commonly used is 80 miles and takes about half that time to drive.

This week I am introducing a bill to remedy this wrong. The Essential Air Services Eligibility Fairness Act will make sure the highway mileage between a place and the nearest hub airport will be determined by the most commonly used route between the two airports. It will protect, in my case, 876,000 air trips that originate every year in Lancaster; and it will protect the other small market airports around the country that provide convenient air service for millions.

HOMELAND SECURITY AND TAX CUTS

(Mr. UDALL of Colorado asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. UDALL of Colorado. Madam Speaker, as we prepare for the debate on taxes and spending, I want to call attention to an article in Sunday's Denver Post on the threat of shoulder-fired missiles to our airliners.

The article quotes security experts as saying this threat is "nearly impossible to defend against," and points out that equipping the U.S. commercial airline fleet with jammers or decoys could cost up to \$10 billion.

There are other threats, as well. We need to do much more to prevent ship containers that would be used to smuggle in weapons of mass destruction.

Of course, we cannot prevent every conceivable threat to our homeland security. We have to set priorities and we have to fund those priorities.

One thing is for sure: when the President proposed and this Congress passed a budget resolution that includes more than \$1 trillion in tax cuts, we cannot, in good conscience, tell the American people we are funding these priorities.

Madam Speaker, our States need help in beefing up security. When our home-

land security alert system goes to orange, our State budgets go into the red. I fear this President and this Republican Congress are sacrificing homeland security and other needs in favor of deep tax cuts that will have little positive effect on our economy.

We need to do better.

ALERTING NATION TO ASSIST IN SEARCH FOR ASHLEIGH MOORE OF SAVANNAH, GEORGIA, AND OTHER MISSING AND EXPLOITED CHILDREN

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Madam Speaker, today the Subcommittee on Select Education is holding a hearing on missing and exploited and runaway youth under which revisions to the National Center for Missing and Exploited Children will be considered.

This topic is particularly relevant to the people of Savannah, as there is a young girl from that area in my district who has been missing for more than 2 weeks.

Ashleigh Moore is only 12 years old. She is an African American young lady who is a little over 5 feet tall and weighs 120 pounds. She was last seen wearing a white shirt and brown pants. Her family is very worried about her, and the entire community from Savannah is making every effort to find her. I am hopeful that she will return safely home very soon.

I would urge anyone who has any information about Ashleigh to contact the Savannah police at 912-232-4141.

Madam Speaker, children are a precious resource. The National Center for Missing and Exploited Children acts to reunite missing children with their families, and work with crime prevention officers to reach out to the community with child safety information and services.

□ 1415

My thoughts and prayers are with Ashleigh's family today.

DEMOCRATIC PLAN CREATES JOBS

(Mr. GEORGE MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEORGE MILLER of California. Madam Speaker, the distinguished majority leader got up here and said the first priority of the President was the economy. That is interesting to a President who over his 2 years in office has lost 2½ million jobs, 2½ million American workers who do not have jobs and hundreds of thousands of others that have run out of unemployment and the President has resisted extending their unemployment benefits. And we will see what happens this May as hundreds of thousands more lose their unemployment and they have no income support for their families, to pay

for their homes, to try to help keep their children in school and to pay the doctors' bills.

It is also interesting that he says that there are two purposes: one is to give tax relief to stimulate the economy, and the other is to keep the government from spending the money because they want to spend all the money. The last time I looked, the Republicans controlled the House of Representatives, the Republicans controlled the Senate, and the Republicans controlled the White House; but apparently we have got to destroy the American economy with these tax cuts before they kill again. They cannot control themselves from spending trillions of dollars. They cannot control themselves from running up the deficit. They inherited a \$2 trillion surplus, and they have turned it into a \$4 trillion debt. What happened with these people? They have no fiscal discipline. So now they want to spend a trillion dollars to create half as many jobs as the Democratic plan will create for \$150 billion.

REMOVE CUBA FROM UNITED NATIONS HUMAN RIGHTS COMMISSION

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Madam Speaker, I rise today to urge my colleagues to pass a very important resolution I will be introducing today. My bill expresses the sense of the House that the United Nations must call for the U.N. to remove Cuba from the United Nations Human Rights Commission.

The U.N. Human Rights Commission is the primary world body responsible for protecting the inalienable rights of all people to live free from harm and oppression. However, with some of the world's most egregious human rights violators on the panel, like Libya and Cuba, it is unlikely that it can effectively carry out its mission.

Whether it is Saddam Hussein or Fidel Castro, the U.N. has repeatedly protected tyrants, torturers, and murderers. Allowing Cuba to stay on the Human Rights Commission is like honoring Saddam Hussein with the Nobel Peace Prize.

Today I was shocked to learn that Cuba once again was put on the panel. For over 40 years Fidel Castro has time and time again shown his reprehensible disregard for the safety and welfare of his own people. His tyrannical regime has forced countless innocent people to risk their lives to seek the shores of the United States. But what is worse is that these people will go to the furthest of extremes to hurt their own people.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mrs. BIGGERT) laid before the House the fol-

lowing communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2003.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 12, 2003 at 2:25 p.m.

That the Senate agreed to conference report H.R. 1559.

With best wishes, I am
Sincerely,

JEFF TRANDAH, L.
Clerk of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule I, Speaker pro tempore THORNBERRY signed the following enrolled bills on Tuesday, April 15, 2003:

H.R. 145, to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building;"

H.R. 258, to ensure continuity for the design of the 5-cent coin, establish the citizens coinage advisory committee, and for other purposes;

H.R. 1559, making emergency war-time supplemental appropriations for fiscal year 2003, and for other purposes;

H.R. 1770, to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

COMMUNICATION FROM VICE-CHAIRMAN OF THE JOINT COMMITTEE ON THE LIBRARY

The SPEAKER pro tempore laid before the House the following communication from the vice-chairman of the Joint Committee on the Library:

HOUSE OF REPRESENTATIVES,
April 10, 2003.

Hon. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to Public Law 101-696 Section 801 (40 USC para. 188a(b)) the Chairman and Vice-Chairman of the Joint Committee of the Library are provided positions on the Capitol Preservation Commission.

I am appointing Mr. John Mica of Florida to be my designee as provided for in Public Law 101-696 Section 801 (40 USC para 188a(c)).

Thank you for your attention to this matter.

Sincerely,

VERNON J. EHLERS,
Vice-Chairman,
Joint Committee on the Library.

COMMUNICATION FROM THE HON. GEORGE RADANOVICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following commu-

nication from the Honorable GEORGE RADANOVICH, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 14, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and the privileges of the House.

Sincerely,

GEORGE RADANOVICH,
Member of Congress.

COMMUNICATION FROM THE HON. GEORGE RADANOVICH, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable GEORGE RADANOVICH, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena issued by the U.S. District Court for the Eastern District of California for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

GEORGE RADANOVICH,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a record vote or the yeas and nays are ordered or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

RECOGNIZING THE ACHIEVEMENTS OF OPERATION RESPECT, THE "DON'T LAUGH AT ME" PROGRAMS AND PETER YARROW

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 161) recognizing the achievements of Operation Respect, the "Don't Laugh At Me" programs, and Peter Yarrow, as amended.

The Clerk read as follows:

H. RES. 161

Whereas Operation Respect is a nonprofit organization engaged in a national effort to transform participating schools, after-school programs, and children's summer camps into more compassionate and respectful environments through its "Don't Laugh At Me" program materials that address the issues of

emotional and physical violence among children;

Whereas Operation Respect has conducted 230 workshops, reaching over 18,000 educators in 27 States and distributing 50,000 copies of its professionally developed curriculum;

Whereas representatives of this organization have appeared before over 240 educational organizations in 36 States on behalf of Operation Respect, as well as before the Republican conference and Democratic caucus of the United States House of Representatives;

Whereas the "Don't Laugh At Me" program increases mutual respect and fellowship among hundreds of thousands of elementary school children, creating an environment for students that improves focus on academic achievement and encourages an atmosphere of respect and responsibility;

Whereas the "Don't Laugh At Me" camp programs have made the environment at summer camps safer and more secure for children by creating a greater sense of responsibility, justice and fairness;

Whereas the "Don't Laugh At Me" programs have made a significant impact on schools and camps through a curriculum of character education and social and emotional learning;

Whereas the overwhelming majority of students participating in a recent survey concluded that the "Don't Laugh At Me" program was a valuable and beneficial experience and resulted in a diminution of negative behaviors such as bullying, and increased openness and trust;

Whereas counselors and campers alike who participated in the "Don't Laugh At Me" programs agreed that the programs were effective, enjoyable, and positively influenced the academic and character education of the children;

Whereas the success of Operation Respect and the "Don't Laugh At Me" programs has been recognized by the National Conference of State Legislatures and various educational associations, including the National Association of Elementary School Principals, the National Association of Secondary School Principals, the American Association of School Administrators, the Council of Great City Colleges of Education, the National Education Association, the Council of Great City Schools, the American School Counselors Association, the National School Boards Association, the National Middle School Association, and the American Federation of Teachers; and

Whereas the National Conference of State Legislatures passed a resolution on August 12, 2001, encouraging funding and other support from States for professional development of educators in this arena and recognizing the contributions of Operation Respect in advancing State legislative initiatives to expand social and emotional learning and character education programs: Now, therefore, be it

Resolved, That Operation Respect and the "Don't Laugh At Me" program are commended for their major contributions to the sound academic focus, character development, and improved physical safety of children throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H. Res. 161.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 161, which commends Operation Respect, the "Don't Laugh At Me" programs' efforts to provide character education.

I would like to take this opportunity to commend the gentleman from California (Mr. GEORGE MILLER) and the gentleman from California (Mr. CUNNINGHAM) for their efforts to draw attention to the importance of character education programs in our schools.

In 2001, Congress recognized the importance of character education programs like Operation Respect when we passed the No Child Left Behind Act. This landmark legislation contains the partnerships in character education program that provide grants for character education programs that emphasize academic achievement and focuses on elements such as citizenship, respect, responsibility, and trustworthiness.

As some may know, Operation Respect is a nonprofit organization that assists schools, after-school programs, and summer camps in their efforts to create safe and respectful environments for students and teachers. Specifically, Operation Respect utilizes music and video, along with a conflict-resolution curriculum, to help address the problems of bullying and teasing among elementary and middle school youth.

Operation Respect also recognizes the importance of professional development by offering workshops designed to provide educators with the tools that they need to effectively implement character education programs. In fact, over 18,000 teachers have participated in 230 "Don't Laugh At Me" workshops in 27 States throughout the United States.

I would also like to commend Operation Respect for their efforts to leverage the private sector support for their programs. Through the cooperative efforts of community-based organizations, schools, and the private sector, students are better able to understand the importance of acting responsibly and treating one another with respect.

Again, I am pleased to recognize the achievements of Operation Respect and the "Don't Laugh At Me" programs, and I urge that Members support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I am very pleased that the House of Representatives today is considering my resolution to honor the outstanding program that is

working with school districts, camps, teachers, and students across America to promote the healthy social and emotional development of children.

I want to thank the gentleman from California (Mr. CUNNINGHAM) for his cosponsorship of this legislation and for his own strong support of Operation Respect. The gentleman from California (Mr. CUNNINGHAM) was responsible for arranging for Peter Yarrow to visit the Republican Conference last year to talk about this program and to sing some of the songs, an achievement that deserves recognition in the House as well.

I also want to thank my cosponsors for their support of this resolution, particularly the gentleman from Wisconsin (Mr. OBEY), who is a strong supporter of character education programs in the Labor-HHS appropriations bill in recent years.

Lastly, I thank the gentleman from Ohio (Mr. BOEHNER) and his staff for their assistance in having this resolution placed before the House expeditiously.

Most of us here are familiar with the "Don't Laugh At Me" program. Last year, its founder and tireless advocate, Peter Yarrow of the legendary trio Peter, Paul and Mary, spoke to both the Republican Conference and the Democratic Caucus about the necessity for, and the success of, this program. Many of us have seen him as he has appeared before dozens of school boards, teacher organizations, parents groups throughout this Nation promoting sound emotional development and tolerance among our children.

We are all painfully aware of the images, language and experiences of children that assault their self-esteem, their attitudes toward others and their sense of compassion and tolerance. From bullying in the schoolyards to the lyrics of many popular songs, to the violence in film and news broadcasts, young children in our society, and adults too, are assaulted by messages and images of intolerance, brutality, victimization, and bias. Any reasonable person must be concerned about the impact of those values on these young children, now and throughout their lives. And we were concerned that they be taught alternative values that help us build closer personal relationships and stronger communities.

Fortunately, there are efforts and institutions that are effectively promoting positive values and respect, tolerance and understanding and compassion. Our churches and synagogues play that role. Programs like Head Start and after-school programs and sports and cultural experiences heavily influence children as well.

The character education programs that this Congress has been funding in recent years have similarly made great contributions.

One of the innovations enjoying great popularity and success and which we honor today by the passage of this

resolution is Operation Respect. Through the diligent efforts of Peter Yarrow and many educators, psychologists and advocates that work with him, Operation Respect has conducted over 230 workshops throughout the Nation reaching over 18,000 educators in 27 States. Tens of thousands of copies of its professionally developed curriculum have been distributed to teachers in after-school programs and camp operators and others who are similarly committed to making a difference in the lives of these children. Teachers love this program and have given it their strong endorsement. And today we should add the United States House of Representatives to that list saluting this great effort on behalf of America's children and America's best values.

Lastly, I would like to note that Steve Seskin, the composer of the song "Don't Laugh At Me," which has inspired Mr. Yarrow's efforts, is a resident of my congressional district. Mr. Seskin is a very highly respected composer and recording artist as well in the folk and country venues; and in this case his music has helped to inspire a movement that is having dramatic and beneficial effects on millions of young Americans. And I appreciate the support of all Members of this House on the resolution.

Madam Speaker, I am very pleased that the House of Representatives today is considering my resolution to honor an outstanding program that is working with school districts, camps, teachers and students across America to promote the health social and emotional development of children.

I want to thank DUKE CUNNINGHAM for his co-sponsorship of this legislation and for his own strong support for Operation Respect. Congressman CUNNINGHAM was responsible for arranging for Peter Yarrow to visit the Republican Conference last year to talk about this program and sing a few songs, and that achievement deserves the recognition of the House as well.

I also want to thank my other co-sponsors for their support for this Resolution, and particularly, Mr. OBEY for his strong support of character education programs and the Labor-HHS appropriations bill in recent years.

Lastly, my thanks to Chairman JOHN BOEHNER and his staff for their assistance in having this Resolution placed before the House expeditiously.

Most of us are already familiar with the "Don't Laugh At Me" program. Last year, its founder and tireless advocate, Peter Yarrow of the legendary trio Peter, Paul and Mary, spoke to both the Republican Conference and the Democratic Caucus about the necessity for, and the success of, this program.

Many of us have seen him as he has also appeared before dozens of school boards, teacher organizations, parent groups and others throughout the nation promoting sound emotional development and tolerance among out children.

We all are painfully aware of the images, language and experiences of children that assault their self-image, their attitudes towards others, and their sense of compassion and tolerance. From bullying in school yards to the lyrics of many popular songs to violence in

film and news broadcasts, young children in our society—and adults, too—are assaulted by messages and images of intolerance, brutality, victimization and bias. Any reasonable person must be concerned about the impact of those values on these young people now and throughout their lives, and we are concerned that they be taught alternative values that help us to build closer personal relationships and stronger communities.

These concerns have great immediacy. Just last week, there was yet another example of terrible school violence. A study of school violence in California recently concluded that "alienated and disaffected young people are escaping the attention of families, friends and teachers until they explode." Meanwhile, programs like boot camps, may enjoy public approval but consume huge amounts of money and do not have a record of success.

Fortunately, there are efforts and institutions that are effectively promoting positive values of respect, tolerance, understanding and compassion. Our churches and synagogues play that role; programs like Head Start and after-school programs and sports and cultural experiences heavily influence children as well. The character education programs that this Congress has been funding in recent years have similarly made great contributions.

One of the innovations that has enjoyed great popularity and success, and which we honor today by the passage of this resolution, is Operation Respect. Through the diligent efforts of Peter Yarrow and many other educators, psychologists and advocates who work with him, Operation Respect has conducted 230 workshops throughout the nation, reaching over 18,000 educators in 27 states. Tens of thousands of copies of its professionally-developed curriculum have been distributed to teachers, after-school programs, camp operators and others who are similarly committed to making a difference in the lives of these children.

As H. Res. 161 states, the "Don't Laugh At Me" program "increases mutual respect and fellowship among hundreds of thousands of elementary school children, creating an environment for students that improves focus on their schoolwork and encourages social and emotional growth." Evaluations of the program have found overwhelming support for its message among teachers, parents and students alike, as well as increased tolerance and a reduction in such negative behaviors such as bullying.

Among professional educators and others, Operation Respect has enjoyed similar popularity. Operation Respect and the "Don't Laugh At Me" program has been recognized by the National Conference of State Legislatures, the National Association of Elementary School Principals, the National Association of Secondary School Principals, the American Association of School Administrators, the Council of Great City Colleges and Education, the National Education Association, the Council of Great City Schools, the American School Counselors Association, the National School Boards Association, the National Middle School Association, and the American Federation of Teachers.

Teachers love this program; here's a representative comments from a teacher in southwestern Virginia: Over the years I have used many approaches and programs, all of which have good points. "Don't Laugh At Me" en-

compasses all those strong points into one easy to use program. I've seen a difference in my class even though we have only used it for a few months. One of the biggest benefits is the dialog that comes from using the program. The kids love the CD and found the video to be very powerful. Now that I have had a chance to use "Don't Laugh At Me" and see its benefits, I will be doing a presentation to our staff about it. I guess I sound like a commercial, but I honestly loves this program!

Today, we should add the United States House of Representatives to that list saluting this great effort on behalf of America's children and America's best values.

Lastly, I would like to note that Steve Seskin, the composer of the song "Don't Laugh At Me" which inspired Mr. Yarrow's efforts, is a resident of my Congressional district. Mr. Seskin is a very highly respected composer and recording artist, well known in the folk and country venues, and in this case, his music has helped to inspire a movement that is having dramatic and beneficial effects on millions of young Americans.

I appreciate the support of all Members for this Resolution today.

Madam Speaker, I reserve the balance of my time.

Mr. PORTER. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. CUNNINGHAM), a prior member of our committee.

Mr. CUNNINGHAM. Madam Speaker, the gentleman from California (Mr. GEORGE MILLER) and I quite often get in a rhubarb right here on the House floor on issues. This is one we agree on. And I am a hawk. I am a conservative. Well, maybe not a hawk, maybe a well-armed dove; but I was asked to go to an event and hear a man speak. And I said, Who is speaking? And they said, Peter Yarrow. And I said, Who is Peter Yarrow? And they said, You know, Peter, Paul and Mary. And I said, I am not going to go listen to that anti-war, left-wing guy. And I went. And I want to tell Members something. Coming from a conservative and a hawk, he is one of the nicest guys I have ever met in my life.

□ 1430

His heart is true. His politics are terrible. I would say extremely wrong. And I disagree with my colleague on tax rates, as well as with Peter Yarrow. But I want to say this: Peter Yarrow is doing this not for money but for the profound belief that there is a better way to reach out to children.

Maybe music does bring people together because I have another "left wing" friend in Steven Stills, as a matter of fact, I think he was one of the heads of the DNC and yet we are still good friends. Aviation brought us together and music brought us together as well.

Madam Speaker, I want to read something. This is the song "Don't Laugh at Me," and I would like every single Member, and Madam Speaker, you too, to listen to this.

"I'm a little boy with glasses, the one they call a geek." Remember that in school? I do. "A little girl who never

smiles cuz I got braces on my teeth and I know how it feels to cry myself to sleep. I am that kid on every playground, who's always chosen last." That was me. "A single teenage mother trying to overcome her past. You don't have to be my friend if it's too much to ask. Don't laugh at me, don't call me names, don't get your pleasure from my pain. In God's eyes, we're all the same. Some day we'll all have perfect wings. Don't laugh at me."

"I'm a cripple on a corner, you pass me on the street. I wouldn't be out here begging if I had enough to eat. And don't think I don't notice that our eyes never meet. I lost my wife and little boy when someone crossed that yellow line. The day we laid 'em in the ground was the day I lost my mind."

And the song goes on and on, Madam Speaker. Peter Yarrow's idea is that maybe in Columbine, where one of the worst things we did was we took the young men that knew about the young man that went in and killed a bunch of students was arrested, and they drove him out further, but Peter Yarrow's idea is that we are all the same yet we are all different.

I look at Gary Condit on this House floor. Many of us tried to befriend Gary Condit. Think about how he must have felt. I think we need to think about those kinds of things as individuals when we see people that are outside. In our major military institutions, the Naval Academy, the Air Force Academy, we will find each year that someone takes a dive off the top of a building. They have found that in most cases the individual has isolated themselves away from the rest of his group.

Maybe in Columbine, instead of the young men that had been ostracized from their group, maybe if they had been brought back into the group, the suicides and things like Columbine maybe would not have happened.

Madam Speaker, this is endorsed by every major school institution we take a look at. When I went through POW training in Eglin Air Force Base, one of the things they showed us was that if someone was going over to the other side, the enemy side, instead of chastising that person, you reach out to bring them in, to bring them into your group, to make them feel whole. That is what this program does.

I want to thank my friend, the gentleman from California (Mr. GEORGE MILLER), and my Republican colleague for supporting this, as well as the gentleman from Wisconsin (Mr. OBEY), who is a good friend who knows Peter Yarrow very well, and I ask my colleagues, Madam Speaker, to support this.

This is about a program that I believe in and that is going to help not only children, but adults all over the United States.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume to thank the gentleman for his remarks. The fact that he and I are working together on

this, when we disagree on so many other issues, is in the spirit of this program. And as our great former Speaker, Tip O'Neill, used to say, you have to be able to disagree around here and not be disagreeable. I am working on that talent, but I have not achieved it yet. But this is in that spirit.

Madam Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. FROST).

(Mr. FROST asked and was given permission to revise and extend his remarks.)

Mr. FROST. Madam Speaker, I thank the gentleman for yielding me this time, and I am here today to express my support for House Resolution 161 honoring Peter Yarrow's Operation Respect and "Don't Laugh at Me" programs. These important programs are designed to promote compassion and tolerance among children in after-school programs and summer camps.

I first met Peter Yarrow some years ago and became better acquainted with him when I served as co-chair of the Bipartisan Task Force on Youth Violence. And during the last Congress, when I was Chair of the Democratic Caucus, I arranged for Peter to appear before our caucus and make a presentation about his program, and it was an extraordinary presentation.

One of the things our task force heard from youth violence experts was the extremely harmful effect of bullying and ridiculing among young people. The goals of these important programs are aimed at making sure the tragedies of Columbine never occur again. They seek to build an environment of respect so that our children will grow to be kind to others and foster positive social relationships throughout their lives.

Several years ago, I witnessed firsthand the positive impact this program can have. Peter Yarrow held a concert as a part of the "Don't Laugh at Me" summer program, a program that served more than 2 million campers that summer. As part of the event, children came up on the stage to call for greater compassion and respect and to declare their commitment to ending bullying and ridiculing. It was a powerful display, and I am so glad this resolution is on the floor today.

I commend the "Don't Laugh at Me" and Operation Respect programs. They are truly unique, and they make a difference by encouraging greater tolerance among classmates while making the classroom environment more conducive to learning and improving academic performance. That is why I urge my colleagues to vote in favor of this resolution.

Let us honor a truly great program and the men and women who work so hard to make a positive impact on our children's lives.

Mr. GEORGE MILLER of California. Madam Speaker, I yield such time as she may consume to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Madam Speaker, I thank both the gentleman from Ne-

vada and my colleague from California for offering this resolution in support of Operation Respect and the "Don't Laugh at Me" program. I feel so privileged to have not only heard the presentation, the incredible voice, and the power of Peter Yarrow, as the gentleman from California (Mr. CUNNINGHAM) said, part of Peter, Paul and Mary group, sing this, but the way that it resonates in one's heart when you hear it, and I am sure in the minds of school children who welcome the words of tolerance and respect that are in this song written by Steve Seskin.

The program is to create the sound emotional development, the personal growth, the physical safety of our children, to promote antibullying and compassion and tolerance among children. The gentleman from California (Mr. CUNNINGHAM) began to read some of the lyrics that are in this song, and we can just picture that wonderful voice of Peter Yarrow, so let me once again add a few more words in this song.

"Don't laugh at me, don't call me names, don't get your pleasure from my pain. In God's eyes we're all the same. Some day we'll all have perfect wings. Don't laugh at me. I'm fat, I'm thin, I'm short, I'm tall, I'm deaf, I'm blind. Hey aren't we all. Don't laugh at me. Don't call me names. Don't get your pleasure from my pain. In God's eyes we're all the same. Some day we'll all have perfect wings. Don't laugh at me."

In 2002, Operation Respect began shifting its strategy from making presentations to a lot of these educational organizations to fostering systemic and sustainable implementation of its own programs as well as long-term comprehensive character education and social and emotional learning by opening State affiliates around the country. Now there are affiliates in California, Colorado, Connecticut, Georgia, Illinois, where I am from, and Ohio.

In Illinois, it is headed up by this wonderful woman, Flora LeZar, who was Executive Director of Operation Respect. She is helping, and I am working with them, to set up this program in Illinois identifying supporters in and around Chicago. And we are now in discussions with Columbia College's Office of Community Arts Partnerships, as well as an Evanston-based, that is my hometown, arts and education foundation, the Shanti Foundation, to partner in the implementation of "Don't Laugh at Me" in several Chicago public schools.

I am looking forward to one of the schools in my district, an elementary school called Boone School, we are hoping that that school will have the benefit of the don't laugh at me program.

Finally, let me just say this. Our world today is so marked by mistrust, where there is so much intolerance around the globe and here at home as well; a failure to really understand each other's cultures. In a country like the United States of America, which is

so wonderful because of its diversity, because we have so many people and children with different values that come to our public schools, that is our strength. But we need to help develop an appreciation of that in our children. It prepares them to be adults and leaders in a world that embraces diversity, that understands the differences among people and then can work to bring us all together for a world of peace and harmony.

So this is more than just a little program or one song, this is a philosophy of education and really a philosophy about the way that all of us should live our lives. So I congratulate Peter Yarrow and Operation Respect and the "Don't Laugh at Me" program. I am just happy to be able to support this resolution and to be part of advancing this effort.

Mr. GEORGE MILLER of California. Madam Speaker, I yield myself such time as I may consume to thank the gentlewoman for her remarks, and to thank again the gentleman from Ohio (Mr. BOEHNER) for his help in getting this legislation to the floor; to the gentleman from California (Mr. CUNNINGHAM) for his cosponsorship and his support for this program; to our speakers this afternoon in support of this resolution; and the gentleman from Nevada for taking time out to bring this to the floor this afternoon under suspensions.

Finally, I want to thank my very long-time dear friend, Peter Yarrow, for all the time and the effort that he has taken on behalf of the children of this Nation to promote their healthy development and their emotional stability. He has reached out to so many people across this country and made them aware of this effort, of this need on behalf of our children. It is a wonderful gift that he has given to the children of this Nation, to the educators of this Nation, to caregivers in all different settings for our children, and I just really want to thank him for that effort. I am honored to sponsor this legislation, and I want to thank the House for giving us time to bring it to their attention and I ask my colleagues to support it.

Madam Speaker, I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, House Resolution 161, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution recognizing the achievements of Operation Respect and the 'Don't Laugh at Me' programs."

A motion to reconsider was laid on the table.

COMMENDING AND SUPPORTING EFFORTS OF STUDENTS IN FREE ENTERPRISE (SIFE)

Mr. PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 107) commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization, and its president, Alvin Rohrs, as amended.

The Clerk read as follows:

H. RES. 107

Whereas the Nation knows the importance of supporting free market thinking and the entrepreneurial spirit;

Whereas Students in Free Enterprise (SIFE) is the world's preeminent collegiate free enterprise organization, and provides leadership training, regional, national, and international competitions, and career opportunity fairs for thousands of university and college students;

Whereas SIFE provides university and college students the best opportunity to make a difference and to develop leadership, teamwork, and communication skills through learning, practicing, and teaching the principles of free enterprise;

Whereas SIFE is a force in promoting international business awareness, through its operation in more than 33 countries of the world, including former Soviet republics and China;

Whereas SIFE is active on more than 1,400 university and college campuses worldwide, involving students and faculties in challenging competitions;

Whereas SIFE promotes the entrepreneurial spirit while reinforcing good business practice;

Whereas SIFE encourages teamwork and education through participation in learning projects and provides a competitive framework that prepares students for business;

Whereas SIFE gives students a forum to interact with potential employers, as well as providing formal career fairs and information;

Whereas SIFE depends upon the support and involvement of members of the faculty, whose advice and commitment are essential; and

Whereas SIFE benefits from the wider business community, which appreciates SIFE's importance in shaping business thinking in free enterprise: Now, therefore, be it

Resolved, That the House of Representatives commends and supports the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Resolution 107.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

□ 1445

Madam Speaker, I rise in support of H. Res. 107. This resolution recognizes the unique and important opportunities provided by the international organization Students in Free Enterprise. Active on more than 1,400 college and university campuses and more than 33 countries, SIFE collegiate teams improve the quality of life and the standard of living around the world by teaching the principles of market economics, entrepreneurship, business ethnics, and personal finance success. Currently, there are over 15,000 students involved with the SIFE chapter.

Since 1975, SIFE college teams have been invited to attend leadership training programs where they learn the principles of free enterprise and develop leadership skills. Students return to their respective campuses where they conduct free enterprise outreach projects in their communities. Ultimately, the SIFE experience works to provide college and university students with the opportunity to make a difference in their local communities and develop leadership, teamwork and communication skills, skills that are important to lifelong career success.

The postsecondary education experience is enriched when students have the opportunity to apply what they have learned in the classroom to the world around them. SIFE chapters are a means by which college students can expand their knowledge of the free enterprise system, compete in international competitions, and work in their local communities.

Our Nation is facing a time of economic challenge. The growth and strength of the SIFE collegiate chapters and the escalating interest in the entrepreneurial spirit and sound business practices encourage me. Recognition is in order for the international organizations, Students in Free Enterprise, their board, and the individual chapters. I am happy to join the gentleman from Arkansas (Mr. BOOZMAN) in honoring these organizations for their accomplishments. I urge my colleagues to support this resolution.

Madam Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today to honor Students in Free Enterprise for their dedication and outstanding work. SIFE provides leadership training, regional competitions, and opportunity fairs for thousands of college students.

Established in 1975, Students in Free Enterprise has rapidly grown to include more than 790 campuses nationwide, and now includes participants from 35 countries. Throughout the years and as the number of students grew, the mission of SIFE has remained the same: to provide college

and university students the best opportunity to make a difference and to develop leadership, teamwork, and communication skills through learning, practicing, and teaching the principles of free enterprise.

With the number of corporate scandals and the high levels of distrust that is emanating from the business world today, SIFE gives a light of hope that our business leaders of tomorrow will have a solid understanding of principles and values and bring them into the business world.

SIFE also encourages and demonstrates to college students the importance of community outreach. College students across the Nation participate in such programs that encourage the understanding of the responsible use of debit and credit cards and events that go into the local schools like Teach A Child About Business Week.

The Students in Free Enterprise teams are learning important lessons that will help them in their adult lives, but it is more important that these students and the SIFE teams are extending their knowledge to their families, classmates, and neighbors.

Madam Speaker, there are 25 colleges and universities in Illinois that participate and have SIFE teams. I am very proud and very pleased that two of the 25 are institutions with whom I have close and deep roots. One of them is Malcolm X College, where I have taught courses and where we hold many of our town hall meetings and other community outreach activities; and the other is Chicago State University where I was privileged to earn a master's degree and have been asked to give their commencement address this year on June 7. Both are outstanding institutions, one in my congressional district and one not.

So once again I would like to congratulate Students in Free Enterprise for providing young people with the opportunity to make a difference and providing leadership training and inspiring young people to do what is right in both their personal and business lives. This is an excellent program. I commend the gentleman from Arkansas (Mr. BOOZMAN) for its introduction.

Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. PORTER. Madam Speaker, I yield 5 minutes to the gentleman from Arkansas (Mr. BOOZMAN).

Mr. BOOZMAN. Madam Speaker, I rise today in strong support of H. Res. 107, a resolution commending and supporting the efforts of Students in Free Enterprise, and I thank the gentleman for bringing this resolution forward.

Madam Speaker, I authored this resolution with the strong support of the gentleman from Missouri (Mr. BLUNT) to recognize Students in Free Enterprise, more commonly known as SIFE. SIFE is a nonprofit organization started in 1975, which seeks to instill in college students a greater appreciation for, and understanding of, the free en-

terprise system. Students in Free Enterprise has grown to become one of the largest university-based organizations in the world. SIFE teams are active on more than 1,400 college and university campuses in 33 countries around the world. In my home State of Arkansas, we have SIFE teams on 18 university and college campuses. It is wonderful to see the opportunities that SIFE has provided to students across Arkansas.

Working together as a team and through the mentorship of faculty advisers, SIFE students apply their classroom experiences to develop and implement educational outreach programs that teach individuals in their communities the principles of market economics, entrepreneurship, personal financial success, and business ethics.

Madam Speaker, I will insert into the RECORD a copy of an article published by the Wall Street Journal on January 14, 2003, entitled "Program Puts College Students on Business-Leadership Paths." The article details a student who was the first in her family to go beyond high school and entered college with a vague dream of being a real estate broker. While attending community college, she found SIFE and went on to compete against other SIFE teams on the regional and national level. This former student has finished her bachelor's degree and is now the manager of the Washington, D.C. office of KPMG.

Thousands of success stories just like this one are associated with SIFE and the efforts of their president, Alvin Rohrs. Mr. Rohrs is to be personally commended. Alvin Rohrs has been SIFE's president and chief executive officer since 1983. He successfully reversed the organization's fortunes by seeking a diverse board of directors to energize the organization.

Rohrs was a SIFE chapter adviser at Southwest Baptist University in Missouri in 1983 when SIFE's national board hired him to try to reverse the organization's fortunes.

SIFE started with a bang in 1975, but lost its spark in the early 1980s as the U.S. economy faltered and SIFE's backers, large industrial corporations, cut their contributions. The roster of SIFE schools had shrunk from 100 in 1981 to 18 two years later. To get the energy back, Rohrs sought influential board members from half a dozen members in 1983. SIFE's Free Enterprise Dream Team, what most of us would call a board of directors, now numbers more than 200 strong. Their board is comprised of presidents and CEOs from a wide variety of corporations, including Wal-Mart, Black & Decker, Valvoline, and American Greetings; and neither Rohrs nor his board believes the organization is close to reaching its potential.

Madam Speaker, I commend Mr. Rohrs on his 20-year anniversary as president of SIFE, and I recognize the incredible organization that has made a difference in the lives of millions. I

encourage my colleagues to vote their support of H. Res. 107.

The aforementioned article is as follows:

[From the Wall Street Journal, Jan. 14, 2003]

PROGRAM PUTS COLLEGE STUDENTS ON
BUSINESS-LEADERSHIP PATHS

When Carole Clay Withers enrolled at Walters State Community College in Morristown, TN, 15 years ago, she had never flown in an airplane or eaten in a restaurant with tablecloths. The first member of her family to go beyond high school, she wanted to see more of the world than her native rural Tennessee and had a vague dream of becoming a real-estate broker.

Then she found SIFE, or Students in Free Enterprise. When her economics professor talked up the nonprofit organization, based in Springfield, MO, as a place where she could learn about business firsthand by doing entrepreneurial projects with fellow students, "I flew down the hall to sign up," says Ms. Withers.

Her five-person SIFE team taught business concepts to elementary-school students by creating coloring books that showed how crops planted in the region eventually were marketed and sold world-wide.

The team competed against other college SIFE teams in regional and national contests, where they were judged by corporate executives. "When my team made it to the finals at the national championship in Kansas City, and I stood on the stage fielding questions from the judges, I felt my life had changed," says Ms. Withers. "I realized that if I could answer all the questions being posed by some of the country's most powerful executives, I had what I needed to become an executive myself."

She completed her bachelor's degree in accounting and now is a manager at the Washington, DC, office of KPMG. "If not for SIFE, I would probably be working in a low-paid factory job," she says.

SIFE is offering a lesson all good managers should help to teach: that business is a part of the fabric of every community, that it is a skill that needs to be learned by everyone to some degree in order to survive, and that the smallest venture can have world-wide reach.

SIFE has chapters at 797 colleges nationwide and more than 500 schools overseas, providing opportunities for students who come from modest backgrounds and have little exposure to big business. It has spread to elite campuses such as Notre Dame and Harvard in recent years, but its roots are in smaller schools in the Midwest and South.

Yet its mission—igniting an early passion for business innovation and leadership by challenging students to launch projects in their communities—is global in scope and sophisticated in its approach. "We encourage students to take what they learn in an economics class and use it to show others how free enterprise can improve lives," says Alvin Rohrs, president and chief executive of SIFE.

Last year, five SIFE students from the University of Ghana, in Accra, taught 20 villages in Kpomkpo how to make soap from locally available coconut and palm oil. Production began after three weeks of training, with help from Ghana's women's ministry. The initial trainees have since trained others, launching a cottage industry.

Founded 23 years ago, SIFE received much-needed help from Wal-Mart founder Sam Walton and his then-chief operating officer, Jack Shewmaker, in the mid-1980s. "It developed just like Wal-Mart, in small towns that didn't have a lot of other resources," says Jack Kahl, former CEO of Cleveland-based

Henkel Consumer Adhesives and a longtime SIFE board member.

Over the past decade, SIFE has expanded rapidly and recruited almost 200 executives to its board, currently headed by Thomas Coughlin, president and CEO of Wal-Mart. Some other companies represented on the board are 3M, Black & Decker, Coca-Cola, AT&T, ConAgra, Nestle and Pfizer. Along with judging regional, national and the international World Cup SIFE competitions, board members farm talent from SIFE teams. Some 35 percent of management trainees hired by Wal-Mart are SIFE alumni. RadioShack in another heavy recruiter.

Luke Robinson, who last year earned an M.B.A. from La Sierra University, Riverside, Calif., says his experience as president of the school's SIFE team from 2000 to 2002 altered his ambitions. "I went from being a back-office, analytic accounting type to being quite at ease in front of large crowds and wanting a front-room leadership position," he says.

His team, which won the World Cup championship last year, launched more than a dozen projects, including a child-care business course in Riverside that helped about 200 welfare mothers establish day-care businesses; a campus cleaning business; a cow bank in Karandi, India, which purchased 20 milking cows for families to help start a small dairy business; and a llama bank in Peru.

"As a student you're often discounted as wet behind the ears, but in SIFE we came up with ideas and showed they could work," says Mr. Robinson, a grants manager for La Sierra's business school and a consultant to small businesses in the area. "In SIFE, I got project-management experience that lots of people don't get until they've been working for 5 or 10 years. And most beneficial of all, I learned how to talk to people and interact with them."

Mr. PORTER. Madam Speaker, I yield 5 minutes to the gentleman from Missouri (Mr. BLUNT).

Mr. BLUNT. Madam Speaker, I thank the gentleman for yielding me this time.

I am pleased to be here with the gentleman from Arkansas (Mr. BOOZMAN) to recognize this important institution. Free enterprise and what free enterprise means to the world is best learned at the earliest possible time, and that is exactly what Students in Free Enterprise does. It is located in my district in Springfield, Missouri, but is truly all over the world. There are over 1,400 chapters in 33 different countries; and in many of those countries, the SIFE chapter, the Students in Free Enterprise chapter, becomes the first time the door is really opened in the lives of many students to the whole idea of free enterprise, the whole idea of a competitive system and individuals who are able to move forward largely based on their own capacity and their own talents.

SIFE offers students the opportunities to develop leadership, to develop teamwork, to develop communication skills through learning, practicing, through teaching principles of free enterprise that are valuable in improving the standard of living for millions of people in the world.

SIFE chapters compete against each other in national and now even international competitions to see which chapters can come up with the most

competitive ways to talk about and to expand the concepts of free enterprise. This is an idea that is supported by businesses around the globe. More than 185 top corporate executives sit on SIFE's board of directors. That board is led by Alvin Rohrs, who has given 20 years of his life toward growing this organization from literally a handful of campus units in America to 1,400 universities in 33 different countries.

SIFE teams teach important concepts through educational outreach projects. They teach market economics, entrepreneurship, personal and financial success, business ethics, and benefit their community as they plan for the future of their community.

Each year SIFE competitions are held worldwide, drawing together thousands of students, all of whom are there to honor one concept, the concept of free enterprise, the concept of capitalism, the concept that we have such a great opportunity through SIFE and many other ways to demonstrate in the world today. I am pleased to join the gentleman from Arkansas (Mr. BOOZMAN) as he encourages our colleagues to adopt this resolution honoring Students in Free Enterprise.

Mr. PORTER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. BIGGERT). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 107, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution, as amended, was agreed to.

The title of the resolution was amended so as to read: "Resolution commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization."

A motion to reconsider was laid on the table.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

Mr. PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 204) congratulating charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education, and for other purposes.

The Clerk read as follows:

H. RES. 204

Whereas charter schools across the United States deliver high-quality education and challenge students to reach their potential;

Whereas charter schools are public schools authorized by a designated public entity to respond to the needs of communities, families, and students and to promote the principles of quality, choice, and innovation;

Whereas, in exchange for the flexibility and autonomy given to charter schools, they

are held accountable by their sponsors for improving student achievement and for their financial and other administrative operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas almost 2,700 charter schools are now operating in 36 States, the District of Columbia, and the Commonwealth of Puerto Rico and serving nearly 700,000 students;

Whereas the Congress has appropriated nearly \$1,000,000,000 for the costs of planning, startup, implementation, and information dissemination associated with charter schools since the initial authorization in 1994 of the Federal charter school grant program under the Elementary and Secondary Education Act of 1965;

Whereas an additional \$50,000,000 in Federal appropriations has now been approved to help address the facilities' financing needs of charter schools;

Whereas charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the student achievement accountability requirements included by the No Child Left Behind Act of 2001 in the Elementary and Secondary Education Act of 1965 in the same manner as other public schools, and often set higher and additional individual goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental satisfaction levels, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas nearly 70 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have demographic characteristics similar to students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with lower incomes, minority students, and students with disabilities, and, in a majority of charter schools, almost one-half of the students are considered at-risk or are former dropouts;

Whereas the fourth annual National Charter Schools Week is being celebrated from April 28, 2003, to May 2, 2003, and is an event sponsored by charter schools and grassroots charter school organizations across the United States to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

Whereas charter schools have enjoyed broad bipartisan support from the Administration, the Congress, State Governors, State legislatures, educators, and parents across the United States: Now, therefore, be it

Resolved, That

(1) the House of Representatives acknowledges and commends the charter school movement, charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education and to improving and strengthening the public school system of the United States;

(2) the House of Representatives supports the fourth annual National Charter Schools Week; and

(3) it is the sense of the House of Representatives that the President should issue

a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools during this week-long celebration in communities throughout the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Nevada (Mr. PORTER) and the gentlewoman from California (Mrs. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from Nevada (Mr. PORTER).

GENERAL LEAVE

Mr. PORTER. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 204.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Nevada?

There was no objection.

Mr. PORTER. Madam Speaker, I yield myself such time as I may consume.

I rise today in support of H. Res. 204. This resolution honors the Nation's charter schools, their students, parents, teachers, and administrators for their outstanding education of our children. This week, from April 28 through May 2, charter school organizations are honoring the schools for their ongoing contributions to education.

□ 1500

I am pleased to honor the 13 charter schools in Nevada that serve nearly 3,000 students. The legislation I co-authored was passed in the State of Nevada in 1997 and was revised in 1999, lending teachers more room for creativity and the ability to offer and extend school days as well as the school year. This Friday I will have the opportunity to showcase one of them: The Andre Agassi College Preparatory Academy located in Las Vegas, Nevada. The Academy's curriculum focuses on technology and college preparation while introducing cultural activities and expanded involvement in community affairs. Currently the Andre Agassi College Preparatory Academy instructs grades 3 through 5 and will add one grade level per year through to grade 12. I commend the school and principal Wayne Tanaka, as well as the other charter schools in the State of Nevada for recognizing the immense need for improved education and their commitment to improving student achievement for students who attend these schools.

The Nation's charter schools deliver high-quality education and challenge students to reach their potential. Thirty-nine States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools. Now almost 2,700 charter schools serve nearly 700,000 students in 36 States, the District of Columbia, and the Commonwealth of Puerto Rico. In exchange for flexibility and autonomy, these public charter

schools are held accountable by their sponsors for improving student achievement and for their financial and other operations. Charter schools respond to the needs of America's communities, families and students, while promoting the principles of quality, choice, and innovation. Charter schools must meet the same No Child Left Behind student achievement accountability requirements as other public schools, and often set even higher standards in additional individual goals to ensure that they are high quality and truly accountable to the public.

Charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students. These schools give parents new freedom to choose their public school. Nearly 70 percent of charter schools report having a waiting list, and the total number of students on all such waiting lists is enough to fill another 1,000 average-size charter schools. Students in charter schools nationwide have similar demographic characteristics as students in all public schools and serve significant numbers of students from families with lower income, minority students, and students with disability. In the majority of charter schools almost half the students are considered at risk or are former dropouts. Charter schools have enjoyed broad bipartisan support from the administration, the Congress, State governors and legislators, educators, and parents across our Nation.

Through this resolution, Congress today acknowledges and commends the charter school movement and charter schools, students, teachers and parents across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system.

The fourth annual National Charter School Week is held this week April 28 to May 2, 2003. It recognizes the significant impacts, achievements and innovations of the Nation's charter schools. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of this resolution. I want to thank the gentleman from Nevada (Mr. PORTER) for introducing House Resolution 204.

We all know that parent choice is important. It is important within the public school systems of our country, and I have long supported, and my children attended, magnet schools that resulted as a part from the integration decisions of the 1970's. We have many successful examples, and from my home district of San Diego, Gompers Secondary School of Science and Math, and the School of Creative and Performing Arts are examples of standout

schools and special interest schools. The magnet school movement has led to the charter school movement, and the difference that we see, however, is in governance and in meeting numerous guidelines.

In 1992, California was the second State to adopt provisions that allowed school districts to authorize charter schools. San Diego Unified School District has been a strong supporter of these developing schools. Some 14 have been approved with varied missions. Important to the success of these charter schools are a number of factors. High among them is parent involvement, a clear philosophy of education that seeks to meet the State and local standards. A committed core of well-qualified teachers and above all also community support from a board of directors, the expertise of retired educators, health professionals, financial experts. All of them have been involved in many of our charter schools. What we also find as so important is that those charter schools feed back to other schools the most successful innovations that they have begun.

One unique charter school that I would like to share today is that of the Preuss School in San Diego. It was established in the fall of 1999 on the campus of the University of California San Diego. Its mission, to provide an intensive college preparatory curriculum to low-income student populations and to improve educational practices, grade 6 through 12. Its goal of which they are meeting and beginning to really show very, very strong record, is to graduate students competitively eligible to enter the University of California and other selective institutions. They will have their first graduating class in 2004 and 2005, and we look forward to that.

I wanted to share a little bit about the student body and how the students come together for that program. All the students come from low-income families. None who enter may have had a parent or guardian who graduated from a 4-year college. Race in this school is certainly not a factor in admissions. It is true only 13 percent are Caucasian, and the Hispanic student population is about 54 percent.

One of the obstacles often in charter schools is traveling to the campus. All the students who go there must find their way there, and for some it is a very long distance. The student body president who travels from Imperial Beach takes the trolley to San Diego and transfers to a school bus; it takes him about an hour and a half to travel each way, a route ordinarily that would take about 25 minutes.

The results are quite astounding. Students rank number one in the county for their pass rate on the language arts section of the High School Exit Exam in 2001 and 2002. 100 percent of the students at this school have passed a language arts exam, and 91 percent are in the math portion. The academic performance index of ten out of ten in 2000 and 2001 ranks the highest possible. Over 112 students passed the

Golden State exam in Spanish as second-year students. Awards in the science fair, robotics, essays, and scholastic competitions abound.

So how did all this happen? It happened from the dedication of the principal and the staff. It happened from a group of extraordinarily hard-working students that found that sometimes when they separate from their own communities that they find a community of students who care, as they do, about receiving a high-quality education. They have supportive parents, obviously because these students have worked hard to get to the school, who value the education that perhaps they did not have; and university support, the support of student mentors and professors who assist with courses and projects, and an administration that provides the circumstances for success.

It also has community financial support. University Regent Peter Preuss and others enabled a wonderful school that would be built on the UCSD campus because they believed that being on a university campus such as UCSD would enable all the students who participate and help out in that school to have easy access to it. We all know, as I mentioned, that transportation is a necessity for all these low-income students, and they are working hard to assure that in the future.

The challenges for most charters are providing appropriate school buildings, and we know that that is appropriate to a well-rounded education. When they have easier transportation, perhaps the charter would be a true choice for many of the families. They work to maintain the parent and community support and also to have the support of the district administrations because we know that school districts and school district boards must nurture these alternatives and help them address them when they run into difficulties and even work to disband them when they fail. But above all they need to be engaged and they are engaged in sharing their successes.

Mr. Speaker, we, in fact, are a diverse people, and our children learn in diverse and different styles. Parents value the opportunity to focus the kind of education that will help their child grow. Public school charters offer the kind of choice that will enrich our children's educational growth, and we may be able to learn a lot from them about how children succeed.

Mr. Speaker, I reserve the balance of my time.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentlewoman for yielding me this time. I am impressed with what she had to tell us about the school in her district. I want to thank the gentleman from Nevada (Mr. PORTER) for introducing this bill. This is an area in

which the Congress has been working and working very well in the last several years.

Actually, the first Federal charter school bill was passed for the District of Columbia. It was passed on a home rule basis at a time when the District was in financial trouble. Speaker Gingrich was here at the time. He recognized that the District had strongly opposed vouchers, and instead of trying to impose it on us, as he had the power to do, he worked with me, with the task force. We called in school board members, people from the community, and designed the first charter school bill, and I am here to report on how well that bill has done for the District of Columbia.

We have got 40 charter schools. Imagine one city having 40 charter schools. Twenty percent of its children are almost in charter schools' waiting lists. We are told in the gentleman's bill that 70 percent of the charter schools have waiting lists. The District is a large part of that, I fear. Actually, too many of our children are in substandard or overcrowded facilities because they have rushed to take advantage of these charter school facilities so quickly. I am going to a press conference on Thursday at the Thurgood Marshall Charter School in our poorest ward, Ward 8, located in the Congress Heights United Methodist Church. They have added a grade each year. They are just popping out of their facilities and need the resources to get into more facilities. Actually, I appreciate that this House and the Senate appropriated 20 million extra dollars for the District as a reward for expanding so rapidly because they did not want these children in substandard facilities and wanted to make room for the children on the waiting list.

Compare what the District has done to Maryland. Our former colleague, now Governor Ehrlich, was able to get one lousy charter school bill out and it is very toothless. He is very disappointed with it. In Virginia, they have no charter schools.

But, Mr. Speaker, no good deed goes unpunished. Despite the fact that the District of Columbia has set the pace for charter schools in this country, a member of this body, the gentleman from Arizona (Mr. FLAKE) who comes from as far as away from the District of Columbia as one can get, elected by nobody in the District of Columbia, has authored a bill to impose vouchers on the District of Columbia, although this town as long as 20 years ago voted 90 to 10 against vouchers. The gentleman from Arizona (Mr. FLAKE) needs a lesson in federalism and democracy and equality. How many charter school districts are there in his Arizona School District?

□ 1515

In the District of Columbia we have a virtual alternative school system, and yet we have got at our bus stops now national voucher people paying people

in the District of Columbia, with bright T-shirts and slick literature, to pass out literature for vouchers in the District of Columbia. Why here? Why not go to Maryland and Virginia, where they do not even have charter schools?

We are no trophy. We may be a majority black school system, we may be the Nation's Capital, but we do not need to be anybody's guinea pig for their experiments. The people of the District of Columbia have voted with their feet. They have sent their children to our charter schools, and I challenge any Member of this body to have anything like the number of charter schools per capita that we have.

The administration, which has said it will not impose vouchers on anyone, is trying to give the District some money it already has coming to it to entice us to in fact accept vouchers. We cannot do that without a majority vote of our council; and I can tell you one thing, you are not going to get that.

Every other district under the President's bill may choose whether or not the money goes to private or public schools. This is America, after all. That is the way it always has been. But they are trying to impose vouchers on the District of Columbia, despite its stellar record in producing charter schools.

Indeed, before the Leave No Child Behind Act was ever a figment in anybody's imagination, the District for years and years, and I am a native Washingtonian, has allowed people to transfer out of their districts in order to get away from bad schools.

Actually, I have something in common with my Republican voucher friends: I believe it is untenable to leave a child in a neighborhood school that is not educating that child. But I believe that child must be in publicly accountable schools; and that is why the District has stepped up to the plate, not simply against vouchers, but with a real alternative for our children. And the least efficient way to spend the little bit of money in the President's budget, it is \$9 million, is to give it in \$3,000 tranches to a very few kids, as opposed to helping us expand our charter schools, helping us get more of our kids out of the facilities that are sub-standard, helping us do repairs for the facilities in which they find themselves.

There is one education pot, my friends; and that is why in the States that have had voucher referenda, and half of the States in the United States have, how come not one has won? Not one has won because everybody knows where that money is going to come from, out of that one pot; and they want to make sure that their public schools get every thin dime that the Federal Government gives, and that is exactly what we in the District of Columbia are going to insist upon.

The Leave No Child Behind bill is hideously underfunded, and the testing regime will mean that there are going to be massive dropouts in districts like

my own. Yet we want to give this money away. You might want to do that in some other districts, but you are certainly letting those districts choose. We are going to insist that we be treated like the first-class Americans we are.

The hypocrisy of it all, of trying to impose vouchers on the District, is that the Leave No Child Behind bill in committee had an amendment for vouchers for the Nation, defeated in committee. Then they tried on the floor, defeated on the floor. We are in the minority, so we could not have defeated it. Republicans defeated it, because they know that vouchers are not wanted in their districts, and they know it because they have not been able to pass a single referendum anywhere in the United States of America. So they come to the defenseless District of Columbia.

Mr. Speaker, we are going to fight back, especially since we have got an alternative school system that none of the rest of you could even stand up beside us on.

Charter schools are a bipartisan way to approach this matter, and we are going to insist that we be a part of the bipartisan consensus. We are going to especially insist upon it every time you try to impose anything on us, because District residents are in Iraq as I speak, as they have been in every war fought in the United States since the Revolutionary War; and we just paid our Federal income taxes at the rate of second-per-capita in the United States. And I will be darned if anybody is going to treat us unequally in the face of our meeting our first-class obligations to our country and to the Federal Government.

We play by the rules. We are not requesting to be treated as second-class citizens. The rules of the Congress say if you want the money to go to charter schools, it will go to charter schools. If you want the money to go to private schools, it will go to private schools. If you want the money to go to alternative public schools, it will go to alternative public schools. There is no way in the world to have that as a principal position for every district in the United States and not for the 600,000 people who live in the Nation's Capital.

Mr. Speaker, I ask Members to remember to capture the bipartisan spirit of this bill, to remember that the District of Columbia deserves your compliments for being ahead of all of the rest of you in producing alternative schools for our children, and not the punishment of the imposition, undemocratically, of your solution on a district that you do not represent and which cannot vote you in or out.

This bill in one of its paragraphs says: "Whereas, charter schools can be vehicles for improving student achievement for students who attend them, for stimulating change and improvement in all public schools and for benefiting all public school students." That is the spirit of the bill, that is the spirit we

are trying to meet, and I ask Members to support me in the work that my district is doing to meet the very spirit encompassed in this bill today.

Mr. PORTER. Mr. Speaker, I reserve the balance of my time.

Mrs. DAVIS of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to just make one or two brief points again. What we are talking about here is parent choice, and we know that parent choice is critically important within the public school system. I applaud my colleague from the District of Columbia, because she knows her district well and she knows that the parents have come forward and said that we have some good ideas about what will benefit our children and we want to work with the experts; we want to work with people from our community who are willing to come together and define and build on an idea that we have about how children succeed in school.

I applaud that, and I applaud the fact that there are so many charter schools within her district. I hope that my colleagues will have an opportunity to visit, and I hope to do that very soon. I know there is a charter school today that was celebrating its civic education program. They have young people there who are really learning what we hope all children throughout this country will learn, their responsibility as citizens. They are learning that, and they are learning that to a degree that probably is not seen in many of our schools throughout the country, and that occurs in a charter school.

Mr. Speaker, I applaud my colleagues today. I thank them for bringing this resolution forward, for congratulating charter schools within our public school system.

Mr. Speaker, I yield back the balance of my time.

Mr. PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I also would like to applaud this bipartisan effort in recognizing those moms and dads and professionals across this country for their efforts in making sure that every child has a great education, to commend our staff and all of the Members who have cosponsored it, and the majority leader for scheduling this today.

Mr. CASE. Mr. Speaker, I rise in strong support of H. Res. 204, which congratulates and encourages the charter school movement throughout our country in its continued efforts to educate our children and serve our communities.

Charter schools are a modern-day public education story. This is because they foster the key ingredient in successful schools: the active participation not only of teachers and students, but of whole communities. When the entire community—from parents, to business and community organizations, to whole neighborhoods—has a critical role in making schools function, the results are amazing.

In my state of Hawai'i, charter schools have been the most exciting development in public education in decades. The 25 charter schools

currently allowed by state law have succeeded despite institutional opposition in bringing into education whole communities, often those whose participation has been lacking. They, like their counterparts across the nation, deserve our recognition.

But for these very reasons, they also deserve their fair share of resources from federal and state governments. I have a particular charter school in my district that illustrates this point perfectly.

Kanu o ka' Aina New Century Public Charter School (KANU) is located in the town of Kamuela on my home Island of Hawai'i. It has 150 students, 85 percent of which are Native Hawaiian. It is Hawai'i's first indigenous K–12 public charter schools. The level of commitment to this school from the community is awe-inspiring.

But it also faces major challenges. The school's director says that KANU's biggest challenge is funding equity and school construction funds. For the fiscal years 2001–2002 school year, KANU received \$3,492.87 less per student than other public schools.

Because KANU has to make due with fewer funds, it cannot save money on the side for construction of new buildings to accommodate its growing population. KANU needs both federal and state resources for construction funding, but it is finding these resources scarce and, when found, hard to access.

KANU and Hawai'i's other charter schools, both existing and future, need their federal government to be clear and unequivocal in its continued support for the concept of charter schools. They also need full parity in funding between traditional public schools and charter schools. H. Res. 204 is welcome and needed, but these great words must be partnered with action.

Mr. PORTER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 204.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

CONGRATULATING UNITED STATES CAPITOL POLICE ON 175TH ANNIVERSARY

Mr. LINDER. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 156) extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

The Clerk read as follows:

H. CON. RES. 156

Whereas the United States Capitol Police traces its origins to 1801, when Congress moved from Philadelphia to Washington, D.C., and a lone watchman, John Golding, had the responsibility of guarding the Capitol facility and its functions;

Whereas the United States Capitol Police has grown from these humble beginnings to a first rate highly professionalized, equipped, and trained operation which provides vital services in the areas of law enforcement, protective and security services, and emergency preparedness, with nearly 1,700 sworn and non-sworn employees;

Whereas the United States Capitol Police has developed specialized and expert units, including K-9, Intelligence, Emergency Preparedness, Civil Disturbance, Criminal Investigation, Threat Assessment, Dignitary Protection, Physical Security, Technical Security, Electronic Countermeasures, Hazardous Devices, and the Containment and Emergency Response Team, as well as a skilled and professionalized administrative support function;

Whereas the United States Capitol Police, as the first line of the defense of the Nation's Capitol, has shared in the ultimate sacrifice in law enforcement with the tragic deaths in the line of duty of Sergeant Christopher Eney, Private First Class Jacob J. Chestnut, and Detective John Michael Gibson;

Whereas the United States Capitol Police continues to be in the forefront of protecting the core elements of our democratic process with selfless dedication and commitment; and

Whereas the United States Capitol Police was officially established in 1828 and is celebrating its 175th anniversary in 2003: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress and the American people extend heartfelt congratulations to the United States Capitol Police on the occasion of its 175th anniversary, and express the sincerest gratitude to the men and women of the United States Capitol Police and their families, and in particular the Eney, Chestnut, and Gibson families, for their devotion to duty and service in safeguarding the freedoms of the American people.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. LINDER) and the gentleman from Connecticut (Mr. LARSON) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia (Mr. LINDER).

Mr. LINDER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today I rise to express the gratitude of the United States Congress to its men, women, and families of the United States Capitol Police as they celebrate its 175th anniversary. The selfless dedication of the United States Capitol Police and their commitment to safeguarding not only us but the freedoms of the American people do not go unappreciated.

Officially established in 1828 under the direction of President John Quincy Adams, the U.S. Capitol Police has grown from its humble beginnings into a first-rate, highly-professional force of over 1,700 officers and employees.

Over the course of its existence, U.S. Capitol Police has developed a number of specialized units, including K-9, In-

telligence, Emergency Preparedness, Civil Disturbance, Criminal Investigation, Threat Assessment, Dignitary Protection, Physical Security, Electronic Countermeasures, Technical Security, Hazardous Devices, and the Containment and Emergency Response Team, as well as a skilled administrative staff.

We all know, however, that freedom has its sacrifices, and the U.S. Capitol Police have certainly paid its share of this price. We remember that as the first line of defense for the Nation's Capital, the United States Capitol Police Force has endured the tragic deaths of Sergeant Christopher Eney in 1984, Private First Class Jacob J. Chestnut, and Detective John Michael Gibson, both of whom were killed in 1998. All of these men were slain in the line of duty.

Mr. Speaker, every day these brave men and women put their lives on the line to protect us and this institution; and while these dangers are an unfortunate reality of their jobs, I would like for them to know that their efforts do not go unnoticed; nor are they forgotten.

Today, however, we stand here not only to recognize the sacrifice of the U.S. Capitol Police, but also to celebrate the efforts of the thousands of men and women who have served with this organization. As such, on behalf of the United States Congress, I would again like to extend a heartfelt thanks and congratulations to the men and women of the United States Capitol Police, past and present, for their 175 years of courage, strength and commitment to serve and protect the people of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. LARSON of Connecticut. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise to associate myself with the remarks of the gentleman from Georgia.

Mr. Speaker, the operative clause of this resolution says simply that "Congress and the American people extend heartfelt congratulations to the United States Capitol Police on the occasion its 175th anniversary, and express the sincerest gratitude to the men and women of the United States Capitol Police and their families, and in particular," as the gentleman from Georgia mentioned, "the Eney, Chestnut and Gibson families, for their devotion to duty and service in safeguarding the freedoms of the American people."

It is hard to imagine that in the vaunted history of the Capitol Police, that we went from a single watchman in 1801 to the force that we now have today; from the perils of the War of 1812 to the perils of the war against terror. The men and women who wear the uniform here in the Capitol have served us extraordinarily well.

I want to rise and commend the efforts of Chief Gainer and what they have been able to accomplish here in

the Capitol, protecting the Members this body, the staffs, and the many tourists who come here on a regular basis. It was not lost on any Member of Congress that during the events of September 11 that it was the men and women who wear the uniform who were our first responders. The fact of the matter is that the Capitol Police are our first responders and have performed extraordinarily well over their 175-year career.

□ 1530

Again, I just would like to echo the words of my esteemed colleague, the gentleman from Georgia (Mr. LINDER), in saluting the men and women of the Capitol Police who have done an extraordinary job on all of our behalves.

Mr. Speaker, I yield back the balance of my time.

GENERAL LEAVE

Mr. LINDER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of this concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. NEY. Mr. Speaker, when Congress moved from Philadelphia to Washington, DC in 1801, a lone watchman by the name of John Golding had the responsibility of guarding the Capitol facility and its functions. In 1828, the United States Capitol Police was officially established to safeguard the freedoms of the American people, and to protect the Nation's Capitol and the United States Congress. Now, 175 years later, and despite an ever-changing environment, these core functions of the United States Capitol Police are still the defining tenets of its mission. Today, on behalf of the United States Congress and the American people, I am very pleased to extend heartfelt thanks and congratulations to the United States Capitol Police on its 175th anniversary.

From its humble beginnings until today, the Capitol Police has remained true to its mission, and has grown to meet new challenges and responsibilities. It has developed specialized and expert units, and these specialized units are complemented by a skilled and professional administrative support staff. The challenges of the new century have shown the United States Capitol Police to be dedicated, selfless, and highly flexible. The Capitol Police force, which now numbers over 1,700 sworn and civilian personnel, is a highly professionalized force essential to the protection of the core elements of our democratic process.

The history of the United States Capitol Police has not been without sacrifice. After the terrorist attacks of September 11th, 2001, the Capitol Police were asked to work incredible hours in defense of the Capitol, visitors, staff, and members, often working 12 hour shifts for six days a week. Sadly, the sacrifices of the Capitol Police have not been without tragedy. As the first line of defense of the Nation's Capitol, Sergeant Christopher Eney, Private First Class Jacob J. Chestnut, and Detective John Michael Gibson each made the ultimate

sacrifice, tragically dying in the line of duty. This dedication to the safety and well being of others exemplifies the commitment of the men, women, and families of the United States Capitol Police.

On the occasion of its 175th anniversary, the United States Congress and the American people express the sincerest gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people.

Mr. LINDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Georgia (Mr. LINDER) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 156.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LINDER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

EXPRESSING SUPPORT FOR THE CELEBRATION OF PATRIOTS' DAY AND HONORING THE NATION'S FIRST PATRIOTS

Mr. JANKLOW. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 149) expressing support for the celebration of Patriot's Day and honoring the Nation's first patriots, as amended.

The Clerk read as follows:

H. CON. RES. 149

Whereas on the evening of April 18, 1775, Paul Revere was sent for by Dr. Joseph Warren and instructed to ride to Lexington, Massachusetts, to warn Samuel Adams and John Hancock that British troops were marching to arrest them;

Whereas after leaving Charlestown on his way to Lexington, Paul Revere alerted the inhabitants of the villages and towns along his route, stopping in Medford (formerly Mystic) at the home of Isaac Hall, the captain of the Medford Minutemen during the Revolutionary War, before continuing on through Arlington (formerly Menotomy) and arriving in Lexington around midnight;

Whereas William Dawes and a third rider, Dr. Samuel Prescott, joined Paul Revere on his mission and they proceeded together on horseback to Lincoln;

Whereas while en route they encountered a British patrol that arrested Paul Revere, but William Dawes and Samuel Prescott managed to escape and continued on to Concord where weapons and supplies were hidden;

Whereas the midnight ride of Paul Revere was brilliantly and forever commemorated by the great American poet Henry Wadsworth Longfellow in his 1861 poem "Paul Revere's Ride";

Whereas the actions taken by Paul Revere, William Dawes, and Samuel Prescott afforded the Minutemen time to assemble to confront the advancing British troops and were heralded as one of the first great acts of patriotism of our nation;

Whereas 38 Lexington Minutemen boldly stood before 600-800 British troops who had gathered at Lexington Green;

Whereas Captain Parker of the Lexington Minutemen commanded his men, "Don't fire unless you are fired on; but if they want a war, let it begin here.";

Whereas when the British continued onto Concord, a battle ensued at the Old North Bridge, where Minutemen from every Middlesex village and town routed the British and forced them into retreat back to Boston;

Whereas Ralph Waldo Emerson immortalized this moment in American history as where "the embattled farmers stood and fired the shot heard 'round the world.";

Whereas the United States has recognized the historic significance of the Nation's original patriots with the creation in 1959 of the Minute Man National Historical Park, located in Concord, Lincoln, and Lexington, Massachusetts, to preserve and protect the numerous significant historic sites, structures, properties, and landscapes associated with the opening battles of the American Revolution, and to help visitors understand and interpret the colonial struggle for their rights and freedoms; and

Whereas the heroic acts of April 19, 1775, are celebrated in Massachusetts and Maine every year as part of Patriots' Day with a reenactment of Paul Revere's famous ride, battle reenactments and educational programs, parades, and civic activities, and remembered by Americans across the United States: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) expresses support for the annual celebration of Patriots' Day;

(2) recognizes the extraordinary dedication to freedom demonstrated by the Nation's first patriots during the earliest days of the Battle for Independence in April 1775; and

(3) honors those first patriots who lost their lives in defense of liberty and freedom.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Dakota (Mr. JANKLOW) and the gentleman from Illinois (Mr. DAVIS) each will control 20 minutes.

The Chair recognizes the gentleman from South Dakota (Mr. JANKLOW).

GENERAL LEAVE

Mr. JANKLOW. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 149.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

Mr. JANKLOW. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House concurrent resolution 149 introduced by my distinguished colleague, the gentleman from Massachusetts (Mr. MARKEY), expresses the support of this Congress for Patriots' Day and honors this Nation's first patriots.

April 19, 1775 was an incredibly unique day in the world. In Lexington, Massachusetts and in Concord, Massachusetts, we had individuals who had gathered, patriots, none of them paid, none of them in any organized sense, but they gathered together in Lexington and Concord, having made a determination that they would no longer yield to the tyranny and the oppression that they perceived from their masters.

As these people gathered, one of the places they gathered was Concord Bridge. Colonel Prescott was there with these patriots. And as the Red Coats advanced he said, "Don't fire unless fired upon. But if we must have war, let it begin here."

And then shortly thereafter was the shot that has been described as having been heard round the world, as these patriots stood their ground against the oncoming British professional infantry and refused to yield and refused to back up. As a result of their having taken that stand, the Revolutionary War went forward and ultimately, this band of patriots that gathered on that day at Lexington and Concord were really the impetus that drove the colonialists to move forward, and ultimately to create the freedom that we know in this country today.

Seven years later, the Revolutionary War was over. The surrender had taken place, but the important thing is that these people, Colonel Prescott, Paul Revere, William Dawes and the others, many of whom we do not even know their names, were individuals who had drawn the line in the sand and determined that never again would they yield to those kinds of forces and tyranny.

What is the point of this resolution? The point of this resolution is that today, in today's world, we have a responsibility to continue to be reminded about these kinds of patriots. Even today, in the Nation of Iraq, we have patriots from this country policing the streets of that country, assisting the individuals in Iraq to move forward towards a more democratic future.

The important thing that we all have to recognize is just as those patriots back in 1775, these individuals today are also volunteers. They are volunteers in our active Armed Forces and they are volunteers from our Reserves and our National Guard, and men and women from our various branches.

So I would like to thank the gentleman from Massachusetts (Mr. MARKEY) for having brought this to our attention that we should focus on this. The gentleman from Massachusetts has done a service to all of us, and I ask my colleagues to unanimously consent to the passage of this resolution commemorating April 19 as Patriots' Day and every year forward on that particular day.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the ranking member of the Committee on Government Reform's Special Panel on Postal Reform and Oversight, I join my colleague in the consideration of H. Con. Res. 149, legislation introduced by my good friend and colleague, the gentleman from Massachusetts (Mr. MARKEY), on April 10, 2003.

H. Con. Res. 149 is a concurrent resolution expressing support for the celebration of Patriots' Day and honoring

the Nation's first patriots. The measure expresses support for the annual celebration of Patriots' Day and recognizes the extraordinary dedication to freedom demonstrated by the Nation's first patriots during the early days of the Battle for Independence in April of 1775. Finally, it honors those first patriots who lost their lives in defense of liberty and freedom. H. Con. Res. 149 has the support and cosponsorship of the entire Massachusetts delegation.

The dictionary defines patriot as "a person who vigorously supports their country and is prepared to defend it." It is only fitting and proper that we join with the gentleman from Massachusetts (Mr. MARKEY) and the Massachusetts congressional delegation and the Senate in honoring the men who allowed the Minutemen to assemble and confront the advancing British troops. The actions of those men, Paul Revere, William Dawes and Samuel Prescott, were the first great acts of patriotism of our Nation.

Who could ever forget the midnight ride of Paul Revere when he rode through the streets warning, "The British are coming." His famous ride through the countryside was duly and forever celebrated by the American poet, Henry Wadsworth Longfellow, in his poem entitled Paul Revere's Ride. I remember even as a small child learning that poem:

"Listen, my children, and you shall hear of the midnight ride of Paul Revere, on the 18th of April in '75; hardly a man is now alive who remembers that famous day and year."

The passage of H. Con. Res. 149 will ensure that we will continue to honor and recognize the first patriots. We will also long remember and never forget the lists of patriots who have given their lives in the defense of our country. Every day, Mr. Speaker, men and women honor the definition of a patriot by bravely answering the call to support and defend the United States of America. We owe them a great deal of gratitude and, like the resolution before us, we owe it to their actions to forever preserve and protect the historic sites so that others will never forget the struggle for freedom.

I commend my colleague, the gentleman from Massachusetts (Mr. MARKEY) for introducing this measure, and I urge its swift adoption.

Mr. Speaker, it is my pleasure to yield such time as he may consume to the gentleman from Massachusetts (Mr. MARKEY), the author of this resolution.

Mr. MARKEY. Mr. Speaker, I thank the gentleman from Illinois and the gentleman from South Dakota for their support for this resolution. The entire Massachusetts delegation appreciates the recognition which these couple of days have played in the history of our country, and over in the Senate, Senator KENNEDY was able to pass the identical resolution, because it does mean a lot to Massachusetts and to Maine, as both States celebrate this

day as a holiday. But it also means a lot to our country, because it was a shining moment in the history of the United States, because it was the beginning of the most enduring, free, and democratic experiment in the world. These were, after all, Minutemen, people who left their homes to fight an enemy from abroad, much like our Army reservists, our National Guardsmen are doing right now. These are the original Minutemen, the original guards, the original militia that fought to protect our country.

On April 19 in 1775, the American colonists in Lexington, in Concord, in Medford, in Arlington, in Lincoln, and in "every Middlesex village and town rose" up to claim their inherent right to govern themselves, free of the whims of the English king.

While this day is already celebrated as a State holiday in both the Commonwealth of Massachusetts and in the State of Maine, and the national significance of the events surrounding the "shot heard 'round the world" is unquestioned, the recent establishment of a national day of remembrance on September 11 as "Patriot Day" has understandably confused some Americans regarding "Patriots' Day" in April.

Today's resolution helps remind everyone that while we now observe a solemn moment in our country's history every September 11 in honor of the victims of that terrorist attack, the freedoms which we cherish had their origins more than 2 centuries ago. And the legacy of those fateful spring days in April of 1775 define the core of our American character.

The words are etched into the brains of every American school child and they resonate still:

"One if by land, 2 if by sea! Listen, my children, and you shall hear of the midnight ride of Paul Revere. Here once the embattled farmers stood and fired the shot heard 'round the world."

It is the foundational poetry of a free people, the remembrance of our roots, and it is the inspiration for the annual proclamation of Patriots' Day, both in Massachusetts and Maine, and similar observances in many other States as the schools, historical societies and other organizations devoted to the living memory of American milestones make a special effort to relearn the lessons of the past as a guide to an uncertain future.

So today, we ask the House of Representatives to unite in celebration of Patriots' Day, a day of soaring significance not just to our own free people, but to people everywhere who aspire to a system of government that respects the rights and the liberties of all of its citizens.

Mr. Speaker, I will include for the RECORD at the conclusion of my remarks the poem "Paul Revere's Ride" by Henry Wadsworth Longfellow and "The Concord Hymn" by Ralph Waldo Emerson. First, I would just carry on a little bit further than the gentleman from Illinois (Mr. DAVIS) did with his

reading of "Paul Revere's Ride," although I will not read it in its entirety. His voice is something that I think does greater justice to the poem than I could possibly hope to attempt, but I will very briefly just remind people of that great poem.

□ 1545

Listen my children and you shall hear
Of the midnight ride of Paul Revere,
On the 18th of April, in seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.
He said to his friend, "If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal
light,—

One if by land, two if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm.

So through the night rode Paul Revere,
and so through the night went his cry of alarm to every Middlesex village and farm; a cry of defiance and not of fear; a voice in the darkness, a knock at the door, and a word that will echo forevermore.

For born on the night wind of the past, through all of our history to the last, in the hour of darkness, in peril and need, the people will wake and listen to hear hurrying hoofbeats of that steed and the midnight message of Paul Revere.

This was the beginning of our country, and it is appropriately commemorated both by the celebration of Patriots' Day and by this resolution today.

I thank the gentleman from Illinois (Mr. DAVIS) for his work, and I thank the gentleman from South Dakota (Mr. JANKLOW) once again for his eloquent words on this subject.

I include for the RECORD the poems "Paul Revere's Ride" by Henry Wadsworth Longfellow, and "Concord Hymn" by Ralph Waldo Emerson.

The poems referred to are as follows:

PAUL REVERE'S RIDE

(By Henry Wadsworth Longfellow)

Listen my children and you shall hear
Of the midnight ride of Paul Revere,
On the eighteenth of April, in Seventy-five;
Hardly a man is now alive
Who remembers that famous day and year.
He said to his friend, "If the British march
By land or sea from the town to-night,
Hang a lantern aloft in the belfry arch
Of the North Church tower as a signal
light,—

One if by land, and two if by sea;
And I on the opposite shore will be,
Ready to ride and spread the alarm
Through every Middlesex village and farm,
For the country folk to be up and to arm."
Then he said "Good-night!" and with muffled oar

Silently rowed to the Charlestown shore,
Just as the moon rose over the bay,
Where swinging wide at her moorings lay
The Somerset, British man-of-war;
A phantom ship, with each mast and spar
Across the moon like a prison bar,
And a huge black hulk, that was magnified
By its own reflection in the tide.

Meanwhile, his friend through alley and street
Wanders and watches, with eager ears,

Till in the silence around him he hears
 The muster of men at the barrack door,
 The sound of arms, and the tramp of feet,
 And the measured tread of the grenadiers,
 Marching down to their boats on the shore.
 Then he climbed the tower of the Old North Church,
 By the wooden stars, with stealthy tread,
 To the belfry chamber overhead,
 And startled the pigeons from their perch
 On the sombre rafters, that round him made
 Masses and moving shapes of shade,—
 By the trembling ladder, steep and tall,
 To the highest window in the wall,
 Where he paused to listen and look down
 A moment on the roofs of the town
 And the moonlight flowing over all.
 Beneath, in the churchyard, lay the dead,
 In their night encampment on the hill,
 Wrapped in silence so deep and still
 That he could hear, like a sentinel's tread,
 The watchful night-wind, as it went
 Creeping along from tent to tent,
 And seeming to whisper, "All is well!"
 A moment only he feels the spell
 Of the place and the hour, and the secret
 dread
 Of the lonely belfry and the dead;
 For suddenly all his thoughts are bent
 On a shadowy something far away,
 Where the river widens to meet the bay,—
 A line of black that bends and floats
 On the rising tide like a bridge of boats.
 Meanwhile, impatient to mount and ride,
 Booted and spurred, with a heavy stride
 On the opposite shore walked Paul Revere.
 Now he patted his horse's side,
 Now he gazed at the landscape far and near,
 Then, impetuous, stamped the earth,
 And turned and tightened his saddle girth;
 But mostly he watched with eager search
 The belfry tower of the Old North Church,
 As it rose above the graves on the hill,
 Lonely and spectral and sombre and still.
 And lo! as he looks, on the belfry's height
 A glimmer, and then a gleam of light!
 He springs to the saddle, the bridle he turns,
 But lingers and gazes, till full on his sight
 A second lamp in the belfry burns.
 A hurry of hoofs in a village street,
 A shape in the moonlight, a bulk in the dark,
 And beneath, from the pebbles, in passing, a
 spark
 Struck out by a steed flying fearless and
 fleet;
 That was all! And yet, through the gloom
 and the light,
 The fate of a nation was riding that night;
 And the spark struck out by that steed, in
 his flight,
 Kindled the land into flame with its heat.
 He has left the village and mounted the
 steep,
 And beneath him, tranquil and broad and
 deep,
 Is the Mystic, meeting the ocean tides;
 And under the alders that skirt its edge,
 Now soft on the sand, now loud on the ledge,
 Is heard the tramp of his steed as he rides.
 It was twelve by the village clock
 When he crossed the bridge into Medford
 town.
 He heard the crowing of the cock,
 And the barking of the farmer's dog,
 And felt the damp of the river fog,
 That rises after the sun goes down.
 It was one by the village clock,
 When he galloped into Lexington.
 He saw the gilded weathercock
 Swim in the moonlight as he passed,
 And the meeting-house windows, black and
 bare,
 Gaze at him with a spectral glare,
 As if they already stood aghast
 At the bloody work they would look upon.
 It was two by the village clock,

When he came to the bridge in Concord town.
 He heard the bleating of the flock,
 And the twitter of birds among the trees,
 And felt the breath of the morning breeze
 Blowing over the meadow brown.
 And one was safe and asleep in his bed
 Who at the bridge would be first to fall,
 Who that day would be lying dead,
 Pierced by a British musket ball.
 You know the rest. In the books you have
 read
 How the British Regulars fired and fled,—
 How the farmers gave them ball for ball,
 From behind each fence and farmyard wall,
 Chasing the redcoats down the lane,
 Then crossing the fields to emerge again
 Under the trees at the turn of the road,
 And only pausing to fire and load.
 So through the night rode Paul Revere;
 And so through the night went his cry of
 alarm
 To every Middlesex village and farm,—
 A cry of defiance, and not of fear,
 A voice in the darkness, a knock at the door,
 And a word that shall echo for evermore!
 For, borne on the night-wind of the Past,
 Through all our history, to the last,
 In the hour of darkness and peril and need,
 The people will waken and listen to hear
 The hurrying hoof-beats of that steed,
 And the midnight message of Paul Revere.

CONCORD HYMN

(By Ralph Waldo Emerson)

By the rude bridge that arched the flood,
 Their flag to April's breeze unfurled,
 Here once the embattled farmers stood,
 And fired the shot heard 'round the world.
 The foe long since in silence slept,
 Alike the Conqueror silent sleeps,
 And Time the ruined bridge has swept
 Down the dark stream which seaward creeps.
 On this green bank, by this soft stream,
 We set to-day a votive stone,
 That memory may their deed redeem,
 When like our sires our sons are gone.
 Spirit! who made those freemen dare
 To die, or leave their children free,
 Bid time and nature gently spare
 The shaft we raise to them and Thee.

Mr. JANKLOW. Mr. Speaker, I yield myself such time as I may consume.

Once again, I urge my colleagues to support this resolution. April 18, 1775: patriotism, sacrifice, and volunteerism, three of the basic principles that help create this country; things so important that a short time later they wrote in a document that there were self-evident truths: life, liberty, and the pursuit of happiness. They wrote in that same document that all men and women were created equal, something this country has struggled to bring to reality, but something this country fulfills as a mission every single day.

So in the spirit of how this country was founded, sacrifice, patriotism, volunteerism, the Minutemen were individuals willing to die and pledge their lives, their fortunes, and their sacred honor for things that are more important than wealth or notoriety or publicity. That is the kind of tribute that we ought to continue to remind ourselves is our responsibility as Americans.

So, Mr. Speaker, I congratulate the gentleman from Massachusetts (Mr. MARKEY) for authoring this. I would urge all my colleagues to please support this resolution.

Mr. DAVIS of Illinois. Mr. Speaker, I yield such time as he may consume to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a place far from Massachusetts, which is an indication of how much this country has grown, expanded, and developed.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I do want to offer my commendation to the gentleman from South Dakota (Mr. JANKLOW) and my dear and good friend and colleague, the gentleman from Massachusetts (Mr. MARKEY), for bringing this important resolution here for consideration by this body.

I could not help but reminisce, Mr. Speaker, in listening to my dear friend, the gentleman from Massachusetts (Mr. MARKEY), reciting this famous poem by the great writer, Longfellow. I reminisced that in my youth in this little high school in Hawaii where I was raised, Kahuku High School, we were literally required to memorize the whole poem by this great American writer Longfellow.

If I could just say basically, Listen my children
 And you shall hear
 Of the midnight ride of Paul Revere
 On the 18th of April in '75.
 Hardly a man is now alive
 Who remembers that famous day and year.
 One if by land, two if by sea,
 And I on the opposite shore shall be,
 Ready to ride, to spread the alarm
 To every Middlesex village and farm. . . .

Yes, that was the declaration, and I am sorry, I have forgotten the other verses.

I think the gentleman from South Dakota (Mr. JANKLOW) could not have said it better. What better, more fitting occasion for our congressional leadership, both in the Senate and in the House.

The great State of Massachusetts, one of the great founding States of this great Nation of ours, what a tremendous asset to our Nation. We think of Harvard University, we think of Ralph Waldo Emerson.

I remember what Mr. Emerson said, something that was a lesson to me as a youth, and maybe this is something we could also learn: "The years teach much which the days never know." I bring this to the attention of my colleagues, Mr. Speaker, because I think it is important.

We talk about honoring Patriots' Day. As a Vietnam veteran, I think of all those who have made tremendous sacrifices, and the ultimate sacrifice. As I have said previously to my colleagues in this Chamber, we can always rebuild airplanes. We can make bullets, and if they are destroyed we can do it again. But when a person sacrifices his life to maintain our freedoms, that is the ultimate sacrifice.

I think it is most fitting as we discuss this issue of Patriots' Day, as we recall what happened on September 11, as we recall what happened in the situation that we are now in, and our unfortunate situation in the Vietnam

War, the Korean War, the two world wars, I do not need to recite to my colleagues what happens and what it means to be a patriot in this great Nation of ours.

Yes, it is not a perfect country. If we say that the greatest blessing of this Nation is based on its diversity, people from all different walks of life, from all different ethnicities and nationalities, that the United States truly is a microcosm of the whole world in itself, and we are here because we believe in the principle that nobody is above the law. This Nation is founded upon laws and not men.

How I appreciate the gentleman reminding me, my good friend, the gentleman from Illinois (Mr. DAVIS), of how great this country is to all of us. I am sure our colleague, the gentleman from Rhode Island (Mr. KENNEDY), would have said the same thing. Whether it be the Kennedys, the Markeys, the Faleomavaegas, what a beautiful Nation in the diversity it stands for.

Yes, we have problems. Some have asked what America means to me as a patriot. With all my own imperfections and weaknesses, I would say that what I recall was said on the steps of the Lincoln Memorial in the summer of 1963 by an African American and a minister by the name of Martin Luther King, Junior, it could not have been said better what America is all about as patriots. That is, he had a dream. The dream is that one day his children will be judged not by the color of their skin but by their character. I think that is the essence of what America is about. This is what Patriots' Day is about. Thank God we live in a country that is free, that allows us to pursue our own sense of happiness, whatever that might be.

Again, I thank my good friend, the gentleman from Massachusetts (Mr. MARKEY), for his eloquence and for bringing this resolution to the floor. I thank my good friend, the gentleman from South Dakota, for doing likewise.

Mr. DAVIS of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to commend again the gentleman from Massachusetts (Mr. MARKEY) for providing the opportunity for this moment. I believe that it is moments like this on the floor of this House that speak to the greatness of this Nation and how connected we are and how similar are our experiences. It does not matter whether one grew up in South Dakota, in Massachusetts, in American Samoa, or even in a little town in Arkansas, as I did, but there was a level of connectedness.

Mr. HOLT. Mr. Speaker, I thank my colleagues for introducing this resolution (H. Con. Res. 149) and I applaud Congress for supporting the annual celebration of Patriots' Day.

Every year the states of Maine and Massachusetts celebrate the events of April 19th, 1775, when the first American patriots stood up to British troops, leading to the beginning

of the Revolutionary War and the birth of our nation.

We need to do more to bring national recognition to this celebration of the brave men and women who sacrificed so much on the battlefield to help our nation achieve independence. It is important that we honor all of our first patriots and we should help many more Americans learn as much as possible about the birth of our nation and the hard-fought struggle that accompanied it.

That is why Congress should do more to preserve our precious heritage and to celebrate not just the events and battles that started the Revolutionary War, but all of the major battles that shaped the outcome of this historic conflict with has changed the ensuring course of human history.

We should certainly celebrate Paul Revere's midnight ride and the Battles of Lexington and Concord as the crucial opening salvos in our national struggle for independence. At the same time, we should also recognize that the Revolutionary War spanned six years and claimed the lives of nearly 4500 Americans, demonstrating not only the cost of liberty but also the willingness of colonial patriots to make the ultimate sacrifice to secure our freedom.

In particular, I want my colleagues to know that New Jersey was of critical importance during the American Revolution due to its strategic location between the British armies headquarters in New York City and the Continental Congress sitting in the City of Philadelphia. General George Washington spent almost half of the period of the American Revolution personally commanding troops of the Continental Army in New Jersey, including two severe winter encampments at Morristown.

The early turning point in the war played out across multiple battlefields in and around my congressional district in Central New Jersey. It was during ten fateful days of the American Revolution between December 25, 1776 and January 3, 1777 that General Washington recrossed the Delaware River and won crucial battles at Trenton and Princeton, after having retreated from New York City to Pennsylvania at the risk of near total defeat.

New Jersey's critical role in America's fight for independence is part of our national story and thus should be preserved for all Americans. This is why Congressman Frelinghuysen and I have introduced the Crossroads of the American Revolution National Historical Heritage Act of 2003 (H.R. 524). Our bill would establish a national heritage area to preserve, promote, and connect central New Jersey's extraordinary Revolutionary War battlefield sites through a greenway and interpretive programs for all Americans to enjoy. We hope this much-needed, bipartisan legislation can be enacted during the 108th Congress to protect these hallowed grounds and educate future generations about the struggle to create this great nation.

I wholeheartedly support the resolution before us and hope for an ever-widening celebration of Patriots' Day all across America, not just in Massachusetts and Maine. In the same spirit, I urge our bipartisan leadership and all of my colleagues to support prompt and favorable legislative action to create the Crossroads of the American Revolution National Heritage Area.

Mr. MEEHAN. Mr. Speaker, I rise to honor Patriots' Day and express my strong support

for H. Con. Res. 149—a resolution expressing support for the annual celebration of Patriots' Day and honoring the Nation's first patriots. As Massachusetts citizens, every April we are fortunate to celebrate Patriots' Day in honor of the heroic battles of Lexington and Concord which were fought on April 19, 1775.

I am proud to represent Concord where Patriots' Day is celebrated on the actual day, April 19. Each year on Patriots' Day troops of "Minutemen" assemble in Concord and the neighboring towns to stage a mock battle with a troop of "Redcoats." The historic events along Battle Road marked the beginning of a struggle for Massachusetts residents to retain their rights. The subsequent national war for independence and self-government would last another eight years. The Resolution on the floor today supports the many different ways citizens throughout Massachusetts and other states commemorate this important day in our nation's early history and I urge its passage.

Mr. DAVIS of Illinois. Mr. Speaker, I yield back the balance of my time.

Mr. JANKLOW. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from South Dakota (Mr. JANKLOW) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 149, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. JANKLOW. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECOGNIZING ACHIEVEMENTS AND CONTRIBUTIONS OF NATIONAL WILDLIFE REFUGE SYSTEM ON CENTENNIAL ANNIVERSARY AND EXPRESSING STRONG SUPPORT FOR ITS CONTINUED SUCCESS

Mr. RENZI. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 173) recognizing the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expressing strong support for the continued success of the National Wildlife Refuge System.

The Clerk read as follows:

H. RES. 173

Whereas the National Wildlife Refuge System, operated by the United States Fish and Wildlife Service, marked its centennial anniversary on March 14, 2003;

Whereas President Theodore Roosevelt stated in 1903 that "Wild beasts and birds are by right not the property merely of the people who are alive today, but the property of unknown generations, whose belongings we have no right to squander.";

Whereas the vision of conserving wildlife embraced by President Roosevelt was begun with the plants and animals located on Pelican Island off the East Coast of Florida, and

has since flourished across the United States and its territories and possessions, allowing for the preservation of an overwhelmingly vast array of flora and fauna;

Whereas the National Wildlife Refuge System is composed of 540 refuges encompassing nearly 95 million acres, hosts 35 million visitors annually, and benefits from the selfless efforts of 30,000 volunteers; and

Whereas the National Wildlife Refuge System has established refuges in every State in the United States, many of which are reachable within an hour's drive of almost every major city: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary;

(2) expresses strong support for the continued success of the National Wildlife Refuge System;

(3) encourages the United States Fish and Wildlife Service in its efforts to broaden understanding and appreciation for the National Wildlife Refuge System by increasing partnerships on behalf of the refuge system to better manage and monitor wildlife and by continuing its support of wildlife dependent recreational activities as embodied in the Refuge System Improvement Act of 1997 (Public Law 105-57); and

(4) reaffirms its commitment to the National Wildlife Refuge System and the conservation of the rich natural heritage of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this resolution was introduced by our colleagues, the gentlemen from Florida, Mr. BOYD and Mr. PUTNAM. It celebrates the 100th anniversary of the National Wildlife Refuge System.

This system of public lands had its humble origins in Sebastian, Florida when in 1903, President Theodore Roosevelt set aside a 5-acre strip of swampland on Pelican Island. Since that time, the system has grown to some 540 units that provide habitat for hundreds of wildlife species and recreational opportunities for millions of Americans.

As a member of the Committee on Resources, I recognize the value of these lands and their importance to the 39 million people who visit a refuge each year to hunt, fish, observe wildlife, photograph them, and engage in conservation education.

It is appropriate that we recognize the refuge system at this important milestone, and I congratulate the Bush administration for requesting the highest level of funding ever for the National Wildlife Refuge System for the upcoming fiscal year. The American people deserve the finest refuge system, and I am committed to the revitalization of this system and to reduce the unacceptable maintenance backlogs of projects that currently exist.

I urge a ye vote on House Resolution 173, and I compliment the authors of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, I commend the gentleman from Arizona (Mr. RENZI) for his management of this piece of legislation. I also commend the gentleman from Florida (Mr. PUTNAM) for his sponsorship of this proposed resolution.

Mr. Speaker, as stated by the previous gentleman, my good friend, the gentleman from Arizona (Mr. RENZI), this is a noncontroversial resolution which salutes our National Wildlife Refuge System on its 100th birthday. Certainly our refuge system must be listed as one of our Nation's best and most enduring conservation success stories.

While I agree wholeheartedly with my colleagues that we indeed should celebrate our refuge system, I would be remiss if I did not also remind my colleagues of the significant challenges that confront this system today.

At present, the refuge system faces a combined operations and maintenance backlog, backlog, Mr. Speaker, that is approaching some \$1.8 billion. Funding to acquire or protect additional refuge lands has also shrunk, leaving some refuges fragmented or with gaping holes which both complicate and frustrate management.

In addition, Mr. Speaker, critics still debate whether the "wildlife first" mission of the refuge system should be adjusted more towards the benefit of wildlife and less to the interests of other stakeholders who wish to extract or otherwise use refuge resources.

Mr. Speaker, these are all issues that the refuge system will have to face as it begins its second hundred years. But for now, we should take a moment to reflect with pride on the accomplishments of this genuine conservation success story and congratulate it for a job well done.

Again, I commend my good friend, the gentleman from Arizona (Mr. RENZI) for bringing this resolution to the floor; and I commend our chairman, the gentleman from California (Mr. POMBO), and our ranking member, the gentleman from West Virginia (Mr. RAHALL), for their leadership and support of this legislation.

I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. PUTNAM), the cosponsor of the bill.

□ 1600

Mr. PUTNAM. Mr. Speaker, I thank the gentleman from Arizona (Mr.

RENZI) for yielding me time, a good friend who has made a tremendous difference in this body in a very short period of time; and my friend and colleague from American Samoa (Mr. FALEOMAVAEGA); and our fellow author of this bill, the gentleman from Arizona (Mr. BOYD). Truly, conservation in the movement and the commitment to public access for hunting and other outdoor activities is a bipartisan effort and something all of us are committed to.

Mr. Speaker, on March 14, 2003, the National Wildlife Refuge System celebrated its centennial anniversary. A hundred years ago, President Theodore Roosevelt established the first refuge, the Pelican Island Bird Reservation in Florida's Indian River Lagoon. Today the National Wildlife Refuge System has evolved into the world's most unique network of lands and waters set aside specifically for conservation of fish, wildlife, and plants. With 540 refuges encompassing nearly 95 million acres and hosting some 35 million visitors annually, the National Wildlife Refuge System is a complex network of lands managed for wildlife and the public. There are refuges in every State of the Union and within an hour's drive of almost every major city.

The Secretary of the Interior, Gayle Norton, was joined by thousands of wildlife enthusiasts, Members of Congress, and notable conservationists to celebrate the centennial of the system on March 14 at Pelican Island. These celebrations occurred simultaneously at wildlife refuges across America, and the celebration will continue throughout the year.

To commemorate this event, the gentleman from Florida (Mr. BOYD) and I introduced H. Res. 173 to commemorate this centennial anniversary and to express support for its continued success in the next 100 years and beyond.

As we gather in support of this to commemorate this tremendous birthday for the system, I would like to read into the RECORD an advertisement from Roll Call sponsored by nearly 40 sportsmen conservation groups. This diverse group represents the backbone of America's conservation efforts, and their strong support of the refuge system is both a testament and a tribute to the vision of the sportsman conservationist President Theodore Roosevelt, who proclaimed the first refuge in 1903. The ad begins with a quote from that great President and reads as follows: "In a civilized and cultivated country, wild animals only continue to exist at all when preserved by sportsmen. The excellent people who protest against all hunting and consider sportsmen an enemy of wildlife, are ignorant of the fact that in reality the genuine sportsman is by all odds the most important factor in keeping the larger and more valuable wild creatures from total extermination."

The hunting community was one of the original, if not the only original, entity that recognized the need for

wildlife conservation, not only for hunters but for all those who seek to enjoy wildlife. Hunters were conservationists long before it was the politically correct thing to do. The timing of the formation of the National Refuge System illustrates this. The system was formed after the virtual eradication of the native bison, together with a dangerous reduction in a number of other species such as the prong horn, migratory water fowl and others. Hunters were the first to wake up to the reality that our wildlife resources were not unlimited.

President Roosevelt, an avid hunter and conservationist himself, recognized the need to preserve wildlife through sustainable use. Unfortunately, some who oppose these hunting efforts attempt to revise history to diminish the hunting community's contribution to wildlife conservation. Recently on the eve of the centennial of the system, some have cast a pall by waging a litigation challenge to the system. Sadly, they missed the beauty of the refuge system as a place for all to enjoy wildlife and to cooperate in that effort.

The National Wildlife Refuge System Improvement Act of 1997, identified by then President Clinton as "the most significant conservation legislation to emerge from Congress to date," was a collaborative effort born of extensive negotiations between executive branch, Congress, environmental groups, and sportsmen organizations. According to the executive order that announced the 1997 law, the bill was "proof that when there is a shared commitment to do what is right for our natural resources, partisan and ideological differences can be set aside and compromises can be negotiated for the benefit of the common good."

Sportsmen are the original conservationists. The stewardship of the game population that provides a bounty of food and sport is crucial in the survival of many game species. The gains achieved in scientific management of game species can be linked to the efforts of hunters to maintain the populations and quality of the game they hunt. Populations of game animals have flourished through proper game management by concerned and devoted hunters. The populations of deer and turkey alone are far greater now at the beginning of this century than they ever were at the beginning of the last.

It is in a hunter's best interest to maintain game populations so that they may continue to practice the tradition they love. Licensed game hunters are deeply involved in game management on a number of levels. They pay taxes on their arms and ammunition, stamps and permits, funds that all go to help protect and maintain the sport that they hold so dear to their hearts. The rules and codes that today's sportsmen follow serve to protect and improve the quality of game species for generations to come.

I again thank the cosponsors of this legislation on both sides of the aisle,

and I appreciate the time given us by the gentleman from Arizona (Mr. RENZI).

Mr. FALEOMAVAEGA. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. TANNER) to speak in support of the legislation.

Mr. TANNER. Mr. Speaker, I thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for yielding me time.

Mr. Speaker, as the National Wildlife Refuge System celebrates its 100th anniversary, recognition for water fowl hunters and the contribution they have collectively and individually made on behalf of the refuge system is in order. Acquisition of lands for the National Wildlife Refuge System is funded in part by sales of the migratory bird hunting and conservation stamp, known wide and far as the duck stamp. Water fowl hunters are required to purchase a duck stamp as part of their hunting license to hunt water fowl on or off any refuge.

Since 1934, the hunting community virtually alone has been funding the duck stamp program, raising more than a half a billion dollars for the refuge system. In fact, 98 percent of the revenue generated from sales of the duck stamp goes directly to acquisition of our national wildlife refuges, some 5 million acres so far, an extraordinary contribution, I think, by any measure.

Currently, the 8th Congressional District of Tennessee is home to seven: Chickasaw, Cross Creeks, Hatchie, Lake Isom, Lower Hatchie, Reelfoot and Tennessee national wildlife refuges.

Beginning back in August of 1934, Federal law mandated that individuals buy a duck stamp for the privilege of hunting migratory water fowl. Some 635,000 hunters paid \$1 each for that stamp issued and it was none too soon. For the if the Great Depression was bad on people, it was worse on the ducks. Their prairie pot holes, ponds, marshes, and wetlands dried up and blew away along with much of the Midwest. Revenues from the duck stamp program were used to purchase and restore submarginal land for wildlife, particularly migratory water fowl.

Today, the cost of a duck stamp is \$15, but duck populations are stable and growing. So the next time you are at a National Wildlife Refuge and see a flight of ducks sweeping across the sky, remember to thank a hunter.

Mr. RENZI. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. SHAW).

Mr. SHAW. Mr. Speaker, many lands and waters managed by the Fish and Wildlife Service allow recreational fishing and include more than 260 public fishing programs on national wildlife refuges nationwide. There were about 6 million fishing visits to national wildlife refuges in 1999. While the number of visitors engaged in freshwater fishing is holding steady, saltwater fishing is growing in popu-

larity. Recent surveys indicate that many people engage in fishing in order to experience peace and solitude. National wildlife refuges can offer a quiet, yet wild, fishing experience for the American people.

Among prime fishing experiences on national wildlife refuges are Tamarac Refuge in Minnesota, featuring some 21 lakes, five of which are open to canoes or small boats; anglers can real in northern pike and walleye. The Bayou Sauvage near New Orleans gives urban anglers a spectacular setting of both freshwater and saltwater fishing. In Philadelphia, John Heinz Refuge provides year-round fishing opportunities as one of the growing number of refuges with facilities that are disabled accessible. In my home State of Florida there are about 30 such refuges in where countless numbers of natives and tourists go each year to experience the great outdoors.

Mr. Speaker, I urge Members to support this resolution and our National Wildlife Refuge System, which creates these opportunities for anglers all across the United States.

Mr. LOBIONDO. Mr. Speaker, today I rise in support of House Resolution 173. This resolution recognizes the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expresses strong support for the continued success of the National Wildlife Refuge System.

On March 14, 1903, President Theodore Roosevelt set aside Pelican Island off Florida's east coast to preserve the natural beauty of the islands for future generations. This act gave birth to a vision for America that has become the National Wildlife Refuge System.

Each year, millions of people who share Teddy Roosevelt's passion for the outdoors and his devotion to preserving these places visit and enjoy more than 540 refuges and nearly 100 million acres nationwide all set aside for the wildlife that live and visit these areas and for the people that treasure these natural wonders.

In my Southern New Jersey District, we have much to be thankful for with the trio of jewels that are the Supawna Meadows National Wildlife Refuge in Salem County, the Edwin B. Forsythe National Wildlife Refuge in Atlantic and Burlington Counties, and the Cape May National Wildlife Refuge in Cape May County. These three refuges provide both a welcome respite for important species who visit in this area as well as places for thousands of visitors to see these species in their natural habitat.

Throughout my service in Congress, I have been proud to work to preserve and enhance these wildlife refuges. However, much of the credit for the hard work of protecting our wildlife refuges must go to the dedicated employees and volunteers at each of our local refuges. Without their dedication and drive, these refuges would not be a living realization of Teddy Roosevelt's dream which began a century ago.

It is my hope that one hundred years from now, those who visit these national treasures are as astounded and inspired by the same beauty that the National Wildlife Refuge System is working so hard to preserve today.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of House Resolution 173, recognizing the important achievements and contributions of the National Wildlife Refuge System. The National Wildlife Refuge System has been a national treasure for one hundred years thanks to the efforts of the U.S. Fish and Wildlife Service. Since its creation in 1903, the National Wildlife Refuge System has successfully protected numerous plant and animal species in each of the fifty states. In my great State of Delaware, the Bombay Hook and Prime Hook National Wildlife Refuges have protected and encouraged growth of migratory bird populations so that future generations can benefit from their existence just as we and our ancestors have marveled at their presence.

The Bombay Hook National Wildlife Refuge has provided a safe habitat for eagles, deer, and migratory waterfowl and shorebirds since its creation in 1937. During that period, the refuge has maintained an eagle population and has seen 28 eaglets fledged. The refuge currently has one active bald eagle nest. I am thankful that, through the efforts of taxpayers, volunteers, and refuge employees, future generations of Delawareans will not miss the splendor of a soaring bald eagle, a national icon. Bombay Hook National Wildlife Refuge has also successfully protected the tidal salt marsh so that waterfowl populations including the snow geese continue to migrate to the Delaware shore. Recently, ten years of horse-shoe crab surveying have led to the implementation of tighter restrictions on the harvesting of the species. All of these achievements have benefited nature lovers and birders across the nation and enriched the education of generations of children.

The Prime Hook National Wildlife Refuge, since its establishment in 1963, also has provided protection for numerous migratory bird and other populations. The refuge has expanded recently from a satellite of the Bombay Hook National Wildlife Refuge to become an independent refuge with an active bald eagle nest and one of the largest freshwater marshes on the East Coast. I have been proud to work with Delawareans to improve Prime Hook through the voluntary purchase of new properties in and adjacent to the refuge. These land purchases will provide a valuable buffer between the refuge and fast growing development in the county.

It gives me great pleasure, Mr. Speaker, to recognize these achievements and to ensure that these refuges receive the continued support of Congress. In reaffirming our commitment to the conservation of our nation's rich natural heritage, we allow our future generations to witness the same natural wonders we have the privilege of seeing today.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and agree to the resolution, H. Res. 173.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GILA RIVER INDIAN COMMUNITY JUDGMENT FUND DISTRIBUTION ACT OF 2003

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 162) to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community, and for other purposes.

The Clerk read as follows:

S. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gila River Indian Community Judgment Fund Distribution Act of 2003".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

Sec. 3. Definitions.

TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

Sec. 101. Distribution of judgment funds.

Sec. 102. Responsibility of Secretary; applicable law.

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

Sec. 201. Plan for use and distribution of judgment funds awarded in Docket No. 228.

Sec. 202. Plan for use and distribution of judgment funds awarded in Docket No. 236-N.

TITLE III—EXPERT ASSISTANCE LOANS

Sec. 301. Waiver of repayment of expert assistance loans to Gila River Indian Community.

SEC. 2. FINDINGS.

Congress finds that—

(1) on August 8, 1951, the Gila River Indian Community filed a complaint before the Indian Claims Commission in *Gila River Pima-Maricopa Indian Community v. United States*, Docket No. 236, for the failure of the United States to carry out its obligation to protect the use by the Community of water from the Gila River and the Salt River in the State of Arizona;

(2) except for Docket Nos. 236-C and 236-D, which remain undistributed, all 14 original dockets under Docket No. 236 have been resolved and distributed;

(3) in *Gila River Pima-Maricopa Indian Community v. United States*, 29 Ind. Cl. Comm. 144 (1972), the Indian Claims Commission held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236-C;

(4) in *Gila River Pima-Maricopa Indian Community v. United States*, 684 F.2d 852 (1982), the United States Claims Court held that the United States, as trustee, was liable to the Community with respect to the claims made in Docket No. 236-D;

(5) with the approval of the Community under Community Resolution GR-98-98, the Community entered into a settlement with the United States on April 27, 1999, for claims made under Dockets Nos. 236-C and 236-D for an aggregate total of \$7,000,000;

(6) on May 3, 1999, the United States Court of Federal Claims ordered that a final judgment be entered in consolidated Dockets Nos. 236-C and 236-D for \$7,000,000 in favor of the Community and against the United States;

(7) (A) on October 6, 1999, the Department of the Treasury certified the payment of \$7,000,000, less attorney fees, to be deposited in a trust account on behalf of the Community; and

(B) that payment was deposited in a trust account managed by the Office of Trust Funds Management of the Department of the Interior; and

(8) in accordance with the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.), the Secretary is required to submit an Indian judgment fund use or distribution plan to Congress for approval.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADULT.—The term "adult" means an individual who—

(A) is 18 years of age or older as of the date on which the payment roll is approved by the Community; or

(B) will reach 18 years of age not later than 30 days after the date on which the payment roll is approved by the Community.

(2) COMMUNITY.—The term "Community" means the Gila River Indian Community.

(3) COMMUNITY-OWNED FUNDS.—The term "Community-owned funds" means—

(A) funds held in trust by the Secretary as of the date of enactment of this Act that may be made available to make payments under section 101; or

(B) revenues held by the Community that—

(i) are derived from trust resources; and

(ii) qualify for an exemption under section 7 or 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

(4) IIM ACCOUNT.—The term "IIM account" means an individual Indian money account.

(5) JUDGMENT FUNDS.—The term "judgment funds" means the aggregate amount awarded to the Community by the Court of Federal Claims in Dockets Nos. 236-C and 236-D.

(6) LEGALLY INCOMPETENT INDIVIDUAL.—The term "legally incompetent individual" means an individual who has been determined to be incapable of managing his or her own affairs by a court of competent jurisdiction.

(7) MINOR.—The term "minor" means an individual who is not an adult.

(8) PAYMENT ROLL.—The term "payment roll" means the list of eligible, enrolled members of the Community who are eligible to receive a payment under section 101(a), as prepared by the Community under section 101(b).

(9) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

TITLE I—GILA RIVER JUDGMENT FUND DISTRIBUTION

SEC. 101. DISTRIBUTION OF JUDGMENT FUNDS.

(a) PER CAPITA PAYMENTS.—Notwithstanding the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) or any other provision of law (including any regulation promulgated or plan developed under such a law), the amounts paid in satisfaction of an award granted to the Gila River Indian Community in Dockets Nos. 236-C and 236-D before the United States Court of Federal Claims, less attorney fees and litigation expenses and including all accrued interest, shall be distributed in the form of per capita payments (in amounts as equal as practicable) to all eligible enrolled members of the Community.

(b) PREPARATION OF PAYMENT ROLL.—

(1) IN GENERAL.—The Community shall prepare a payment roll of eligible, enrolled members of the Community that are eligible to receive payments under this section in accordance with the criteria described in paragraph (2).

(2) CRITERIA.—

(A) INDIVIDUALS ELIGIBLE TO RECEIVE PAYMENTS.—Subject to subparagraph (B), the

following individuals shall be eligible to be listed on the payment roll and eligible to receive a per capita payment under subsection (a):

(i) All enrolled Community members who are eligible to be listed on the per capita payment roll that was approved by the Secretary for the distribution of the funds awarded to the Community in Docket No. 236-N (including any individual who was inadvertently omitted from that roll).

(ii) All enrolled Community members who are living on the date of enactment of this Act.

(iii) All enrolled Community members who died—

(I) after the effective date of the payment plan for Docket No. 236-N; but

(II) on or before the date of enactment of this Act.

(B) INDIVIDUALS INELIGIBLE TO RECEIVE PAYMENTS.—The following individuals shall be ineligible to be listed on the payment roll and ineligible to receive a per capita payment under subsection (a):

(i) Any individual who, before the date on which the Community approves the payment roll, relinquished membership in the Community.

(ii) Any minor who relinquishes membership in the Community, or whose parent or legal guardian relinquishes membership on behalf of the minor, before the date on which the minor reaches 18 years of age.

(iii) Any individual who is disenrolled by the Community for just cause (such as dual enrollment or failure to meet the eligibility requirements for enrollment).

(iv) Any individual who is determined or certified by the Secretary to be eligible to receive a per capita payment of funds relating to a judgment—

(I) awarded to another community, Indian tribe, or tribal entity; and

(II) appropriated on or before the date of enactment of this Act.

(v) Any individual who is not enrolled as a member of the Community on or before the date that is 90 days after the date of enactment of this Act.

(c) NOTICE TO SECRETARY.—On approval by the Community of the payment roll, the Community shall submit to the Secretary a notice that indicates the total number of individuals eligible to share in the per capita distribution under subsection (a), as expressed in subdivisions that reflect—

(1) the number of shares that are attributable to eligible living adult Community members; and

(2) the number of shares that are attributable to deceased individuals, legally incompetent individuals, and minors.

(d) INFORMATION PROVIDED TO SECRETARY.—The Community shall provide to the Secretary enrollment information necessary to allow the Secretary to establish—

(1) estate accounts for deceased individuals described in subsection (c)(2); and

(2) IIM accounts for legally incompetent individuals and minors described in subsection (c)(2).

(e) DISBURSEMENT OF FUNDS.—

(1) IN GENERAL.—Not later than 30 days after the date on which the payment roll is approved by the Community and the Community has reconciled the number of shares that belong in each payment subdivision described in subsection (c), the Secretary shall disburse to the Community the funds necessary to make the per capita distribution under subsection (a) to eligible living adult members of the Community described in subsection (c)(1).

(2) ADMINISTRATION AND DISTRIBUTION.—On disbursement of the funds under paragraph (1), the Community shall bear sole responsi-

bility for administration and distribution of the funds.

(f) SHARES OF DECEASED INDIVIDUALS.—

(1) IN GENERAL.—The Secretary, in accordance with regulations promulgated by the Secretary and in effect as of the date of enactment of this Act, shall distribute to the appropriate heirs and legatees of deceased individuals described in subsection (c)(2) the per capita shares of those deceased individuals.

(2) ABSENCE OF HEIRS AND LEGATEES.—If the Secretary and the Community make a final determination that a deceased individual described in subsection (c)(2) has no heirs or legatees, the per capita share of the deceased individual and the interest earned on that share shall—

(A) revert to the Community; and

(B) be deposited into the general fund of the Community.

(g) SHARES OF LEGALLY INCOMPETENT INDIVIDUALS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of legally incompetent individuals described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—The IIM accounts described in paragraph (1) shall be administered in accordance with regulations and procedures established by the Secretary and in effect as of the date of enactment of this Act.

(h) SHARES OF MINORS.—

(1) IN GENERAL.—The Secretary shall deposit the shares of minors described in subsection (c)(2) in supervised IIM accounts.

(2) ADMINISTRATION.—

(A) IN GENERAL.—The Secretary shall hold the per capita share of a minor described in subsection (c)(2) in trust until such date as the minor reaches 18 years of age.

(B) NONAPPLICABLE LAW.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held by the Secretary under this Act.

(C) DISBURSEMENT.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in subsection (c)(2) until such date as the minor reaches 18 years of age.

(i) PAYMENT OF ELIGIBLE INDIVIDUALS NOT LISTED ON PAYMENT ROLL.—

(1) IN GENERAL.—An individual who is not listed on the payment roll, but is eligible to receive a payment under this Act, as determined by the Community, may be paid from any remaining judgment funds after the date on which—

(A) the Community makes the per capita distribution under subsection (a); and

(B) all appropriate IIM accounts are established under subsections (g) and (h).

(2) INSUFFICIENT FUNDS.—If insufficient judgment funds remain to cover the cost of a payment described in paragraph (1), the Community may use Community-owned funds to make the payment.

(3) MINORS, LEGALLY INCOMPETENT INDIVIDUALS, AND DECEASED INDIVIDUALS.—In a case in which a payment described in paragraph (2) is to be made to a minor, a legally incompetent individual, or a deceased individual, the Secretary—

(A) is authorized to accept and deposit funds from the payment in an IIM account or estate account established for the minor, legally incompetent individual, or deceased individual; and

(B) shall invest those funds in accordance with applicable law.

(j) USE OF RESIDUAL FUNDS.—On request by the governing body of the Community to the Secretary, and after passage by the governing body of the Community of a tribal council resolution affirming the intention of

the governing body to have judgment funds disbursed to, and deposited in the general fund of, the Community, any judgment funds remaining after the date on which the Community completes the per capita distribution under subsection (a) and makes any appropriate payments under subsection (i) shall be disbursed to, and deposited in the general fund of, the Community.

(k) REVERSION OF PER-CAPITA SHARES TO TRIBAL OWNERSHIP.—

(1) IN GENERAL.—In accordance with the first section of Public Law 87-283 (25 U.S.C. 164), the share for an individual eligible to receive a per-capita share under subsection (a) that is held in trust by the Secretary, and any interest earned on that share, shall be restored to Community ownership if, for any reason—

(A) subject to subsection (i), the share cannot be paid to the individual entitled to receive the share; and

(B) the share remains unclaimed for the 6-year period beginning on the date on which the individual became eligible to receive the share.

(2) REQUEST BY COMMUNITY.—In accordance with subsection (j), the Community may request that unclaimed funds described in paragraph (1)(B) be disbursed to, and deposited in the general fund of, the Community.

SEC. 102. RESPONSIBILITY OF SECRETARY; APPLICABLE LAW.

(a) RESPONSIBILITY FOR FUNDS.—After the date on which funds are disbursed to the Community under section 101(e)(1), the United States and the Secretary shall have no trust responsibility for the investment, supervision, administration, or expenditure of the funds disbursed.

(b) DECEASED AND LEGALLY INCOMPETENT INDIVIDUALS.—Funds subject to subsections (f) and (g) of section 101 shall continue to be held in trust by the Secretary until the date on which those funds are disbursed under this Act.

(c) APPLICABILITY OF OTHER LAW.—Except as otherwise provided in this Act, all funds distributed under this Act shall be subject to sections 7 and 8 of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1407, 1408).

TITLE II—CONDITIONS RELATING TO COMMUNITY JUDGMENT FUND PLANS

SEC. 201. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 228.

(a) DEFINITION OF PLAN.—In this section, the term “plan” means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 228 of the United States Claims Court (52 Fed. Reg. 6887 (March 5, 1987)), as modified in accordance with Public Law 99-493 (100 Stat. 1241).

(b) CONDITIONS.—Notwithstanding any other provision of law, the Community shall modify the plan to include the following conditions with respect to funds distributed under the plan:

(1) APPLICABILITY OF OTHER LAW RELATING TO MINORS.—Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of this Act, by the Secretary.

(2) SHARE OF MINORS IN TRUST.—The Secretary shall hold a per capita share of a minor described in paragraph (1) in trust until such date as the minor reaches 18 years of age.

(3) DISBURSAL OF FUNDS FOR MINORS.—No judgment funds, nor any interest earned on judgment funds, shall be disbursed from the account of a minor described in paragraph (1) until such date as the minor reaches 18 years of age.

(4) USE OF REMAINING JUDGMENT FUNDS.—On request by the governing body of the Community, as manifested by the appropriate tribal council resolution, any judgment funds remaining after the date of completion of the per capita distribution under section 101(a) shall be disbursed to, and deposited in the general fund of, the Community.

SEC. 202. PLAN FOR USE AND DISTRIBUTION OF JUDGMENT FUNDS AWARDED IN DOCKET NO. 236-N.

(a) DEFINITION OF PLAN.—In this section, the term “plan” means the plan for the use and distribution of judgment funds awarded to the Community in Docket No. 236-N of the United States Court of Federal Claims (59 Fed. Reg. 31092 (June 16, 1994)).

(b) CONDITIONS.—

(1) PER CAPITA ASPECT.—Notwithstanding any other provision of law, the Community shall modify the last sentence of the paragraph under the heading “Per Capita Aspect” in the plan to read as follows: “Upon request from the Community, any residual principal and interest funds remaining after the Community has declared the per capita distribution complete shall be disbursed to, and deposited in the general fund of, the Community.”.

(2) GENERAL PROVISIONS.—Notwithstanding any other provision of law, the Community shall—

(A) modify the third sentence of the first paragraph under the heading “General Provisions” of the plan to strike the word “minors”; and

(B) insert between the first and second paragraphs under that heading the following: “Section 3(b)(3) of the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1403(b)(3)) shall not apply to any per capita share of a minor that is held, as of the date of enactment of the Gila River Indian Community Judgment Fund Distribution Act of 2003, by the Secretary. The Secretary shall hold a per capita share of a minor in trust until such date as the minor reaches 18 years of age. No judgment funds, or any interest earned on judgment funds, shall be disbursed from the account of a minor until such date as the minor reaches 18 years of age.”.

TITLE III—EXPERT ASSISTANCE LOANS

SEC. 301. WAIVER OF REPAYMENT OF EXPERT ASSISTANCE LOANS TO GILA RIVER INDIAN COMMUNITY.

Notwithstanding any other provision of law—

(1) the balance of all outstanding expert assistance loans made to the Community under Public Law 88-168 (77 Stat. 301) and relating to Gila River Indian Community v. United States (United States Court of Federal Claims Docket Nos. 228 and 236 and associated subdockets) are canceled; and

(2) the Secretary shall take such action as is necessary—

(A) to document the cancellation of loans under paragraph (1); and

(B) to release the Community from any liability associated with those loans.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, S. 162 authorizes a plan for the distribution of a \$7 million dollar final judgment award to eligible

members of the Gila River Indian community. Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act, the Secretary of the Interior must submit to Congress for approval a plan for the use and distribution of such judgment awards.

In 1951 the community filed a complaint before the Indian Claims Commission claiming failure of the United States to protect the community's use of water from the Gila and Salt Rivers. After the Commission and the Court of Claims found the United States liable to the community, the community agreed to a monetary settlement in the amount of \$7 million. Final judgment was entered against the United States in that amount. This legislation represents the final step in resolving the litigation and is a product of close consultation between the community and the Bureau of Indian Affairs. I urge its adoption.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, this piece of legislation, I can just simply say, is long overdue and I cannot thank enough my good friend from Arizona (Mr. HAYWORTH) and his leadership in bringing this piece of legislation, and also Senator McCain of the other body for bringing this to fruition.

Mr. Speaker, I am proud to support S. 162, which is before us this afternoon, and pleased that we are dispensing with this bill early in the session. This bill will provide the authority needed to distribute judgment awards funds to members of the Gila River Pima-Maricopa Indian community in the State of Arizona. This action will finally bring to closure litigation which started in 1951, Mr. Speaker. That is 42 years surrounding the failure of our government, the United States Government, to adequately protect the use of water from the Gila River and the Salt River on behalf of the tribal community.

In 1972 the Indian Claims Commission found the United States liable to the community with regard to the underlying complaint, and in 1982 the U.S. Court of Claims agreed with that finding. A monetary settlement in the amount of \$7 million has been agreed to, and today we will ratify the distribution of those funds according to the wishes of the community.

I strongly urge my colleagues to support this piece of legislation. Mr. Speaker, again, I thank my colleague from Arizona (Mr. HAYWORTH) for bringing this to the attention of the Members of this institution; and, again, I thank the gentleman from Arizona (Mr. RENZI) for management of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. RENZI. Mr. Speaker, I yield such time as he may consume to the gentleman from Arizona (Mr. HAYWORTH), the author of the House companion bill.

Mr. HAYWORTH. Mr. Speaker, I thank my colleague from Arizona who is proving to represent so capably the new first congressional district and thank him again for his management of this legislation. I also thank the gentleman from American Samoa (Mr. FALEOMAVAEGA) for his remarks on this legislation, pointing out the history of what has transpired here and the challenge that at long last we will redress in this Chamber today.

Mr. Speaker, it bears repeating that S. 162 provides for the distribution of certain funds awarded to the Gila River Pima-Maricopa Indian community.

□ 1615

This bill is the Senate companion version to the legislation that I introduced, that my colleague from the First District of Arizona alluded to, the companion legislation designated as H.R. 458. Since this legislation has already been approved by the other body, I am grateful to the leadership of this House and to my colleagues on both sides of the aisle for taking up the bill from the other body in such an expeditious manner.

Mr. Speaker, it was my honor to represent the Gila River Indian community in the Congress of the United States for my first 8 years of service in this institution. And although redistricting in my home State has shifted the boundaries of the Congressional District I now represent, I continue to enjoy a very productive working relationship with and on behalf of the Gila River community.

Mr. Speaker, I would urge my colleagues to support this very important legislation. My friend from American Samoa cited dates, and let us understand what is at stake here in this Chamber this afternoon. An agreement of some was decided upon in 1951. Mr. Speaker, to put this in perspective, that is some 7 years before the date of my birth. Over a half century has passed, and we need to get this done. Fifty years of litigation and consultation between the Gila River Tribe and the government of the United States now, today. We say from time to time that this is a deliberative body. Mr. Speaker, I daresay those of us on both sides of the aisle welcome the fact that this deliberation will at long last draw to a close.

Mr. Speaker, this points out a challenge we have faced time and again with the first Americans, because in too many instances, our government has come up short in its stewardship of Native American monies. The Gila River community has faced considerable delays in dealing with the Office of Trust Funds Management and the Bureau of Indian Affairs in finalizing the distribution plan. Members of the Gila River Indian community, in fact,

have waited an additional half a decade for final resolution of these legal claims and for distribution of these judgment funds to eligible tribal members.

Mr. Speaker, the dominant media culture in this town, so fond of playing up differences that may exist among us, may little note nor long remember what transpires with this legislation today. But it is very profound, because it lifts a burden of uncertainty from members of the Gila River community.

The time is now for Congress to pass this legislation so that the community members' judgment funds may finally, finally be released to them. This is a chance where we come together as men and women of goodwill, as constitutional officers, to do the right thing for the right reasons, even though the timing has been somewhat delayed.

Mr. Speaker, I therefore urge my colleagues once again to support this important legislation, and once again thanking my friend from American Samoa and my new colleague from the First District of Arizona.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume to commend my good friend from Arizona not only for his eloquence, as always, but for the outstanding leadership that he has demonstrated as a member of our congressional caucus, as cochairman of the Native American Caucus, my good friend, the gentleman from Arizona (Mr. HAYWORTH) for his appreciation and understanding of the needs of the first Americans in our community.

I also would like to give recognition to the fact that we have two other Members who, unfortunately, because of schedules, just are not here but would have loved to testify in support of this legislation. So in a bipartisan fashion, I will just mention that my colleagues, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from Arizona (Mr. PASTOR), I know, would have loved to be here to lend their support to this legislation.

Just a little sense of history, Mr. Speaker. As I stated earlier, in 1951, the Gila River Pima-Maricopa Indian Community sued the United States before the Indian Claims Commission seeking damages for failure of the United States to protect the community's historic use of the Salt River water during the period from 1880 to 1936. In 1999, in order to end continuing litigation between the community and the United States regarding the nature of the community's water rights under section 2 of the ICCA, and for this period, the United States, and that is the Department of Justice and the community, jointly moved the Federal Court of Claims to enter a final judgment against the United States in the amount of \$7 million in favor of the community. The final judgment entered into by the Court of Federal Claims finally disposed of all the community's claims and demands under section 2 of the ICCA.

As noted in the 1999 stipulation and joint motion for entry of final judgment, and because such claims are beyond the jurisdiction of the Indian Claims Commission, as conferred by section 2 of the Indian Claims Commission Act, the final judgment entered into by the Court of Federal Claims, pursuant to the stipulated settlement, does not dispose of claims that could be brought by the community with regard to the applicability of the Winters Doctrine or the full extent of other water rights.

The bottom line, Mr. Speaker, as stated by my good friend from the State of Arizona earlier, I think we have committed a tremendous injustice to this tribe. For the 42 years it has taken them to seek redress on this grievance, it has taken over 42 years, I think is a tremendous injustice and it is about time that we do something about this. I sincerely hope that my colleagues will support this legislation.

Again, I thank my good friend from Arizona for his support and his leadership.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume to thank the gentleman from American Samoa, and like no other, the gentleman from Arizona (Mr. HAYWORTH), with his eloquence and articulation, has provided us not just the historical data here but the emotional data that goes with the Gila River judgment settlement.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BOOZMAN). The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the Senate bill, S.162.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

BLACKWATER NATIONAL WILDLIFE REFUGE EXPANSION ACT

Mr. RENZI. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 274) to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge.

The Clerk read as follows:

H.R. 274

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Blackwater National Wildlife Refuge Expansion Act".

SEC. 2. FINDINGS.

The Congress finds the following:

(1) Garrett Island, located at the mouth of the Susquehanna River in Cecil County,

Maryland, is a microcosm of the geology and geography of the region, including hard rock piedmont, coastal plain, and volcanic formations.

(2) Garrett Island is the only rocky island in the tidal waters of the Chesapeake.

(3) Garrett Island and adjacent waters provide high-quality habitat for bird and fish species.

(4) Garrett Island contains significant archeological sites reflecting human history and prehistory of the region.

SEC. 3. AUTHORITY TO ACQUIRE PROPERTY FOR INCLUSION IN THE BLACKWATER NATIONAL WILDLIFE REFUGE.

(a) ACQUISITION.—The Secretary of the Interior may use otherwise available amounts to acquire the area known as Garrett Island, consisting of approximately 198 acres located at the mouth of the Susquehanna River in Cecil County, Maryland.

(b) ADMINISTRATION.—Lands and interests acquired by the United States under this section shall be managed by the Secretary as the Garrett Island Unit of the Blackwater National Wildlife Refuge.

(c) PURPOSES.—The purposes for which the Garrett Island Unit is established and shall be managed are the following:

(1) To support the Delmarva Conservation Corridor Demonstration Program.

(2) To conserve, restore, and manage habitats as necessary to contribute to the migratory bird populations prevalent in the Atlantic Flyway.

(3) To conserve, restore, and manage the significant aquatic resource values associated with submerged land adjacent to the unit and to achieve the habitat objectives of the agreement known as the Chesapeake 2000 Agreement.

(4) To conserve the archeological resources on the unit.

(5) To provide public access to the unit in a manner that does not adversely impact natural resources on and around the unit.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. RENZI) and the gentleman from American Samoa (Mr. FALEOMAVAEGA) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. RENZI).

Mr. RENZI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 274 has been introduced by the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans the gentleman from Maryland (Mr. GILCHREST). It has been the subject of two congressional hearings and extensive site visits by the U.S. Fish and Wildlife Service to Garrett Island, Maryland.

While there is a dispute over who should hold title to the 180 acres that comprise Garrett Island, there is no debate over the fact the island contains valuable resources that should be protected in the future and that the cost of acquiring the property is less than one-half million dollars. I have been assured the two private landowners who currently hold title to about 120 acres of Garrett Island, which is uninhabited, are willing to sell their property to the Federal Government in a voluntary manner.

The gentleman from Maryland (Mr. GILCHREST) has made a compelling case for incorporating this land within the existing Blackwater National Wildlife

Refuge and I urge a ye a vote on this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield myself such time as I may consume.

(Mr. FALEOMAVAEGA asked and was given permission to revise and extend his remarks.)

Mr. FALEOMAVAEGA. Mr. Speaker, again I thank my good friend from Arizona for his management of this legislation. I thank also the chairman of the Subcommittee on Fisheries Conservation, Wildlife, and Oceans, the gentleman from Maryland (Mr. GILCHREST), who is the chief sponsor of this proposed legislation.

Mr. Speaker, this bill passed in committee last year and we are just going through the process and refining it even better. As stated by my good friend from Arizona, this noncontroversial legislation would authorize the U.S. Fish and Wildlife Service to expand the existing Blackwater National Wildlife Refuge through the acquisition of Garrett Island.

Mr. Speaker, wildlife habitats such as that found on Garrett Island is in short supply in the lower reach of the Susquehanna River. In fact, it is my understanding that Garrett Island is the only bedrock island in the tidal portion of the Chesapeake Bay System.

The Fish and Wildlife Service should be encouraged to pursue the addition of this valuable property to enhance the existing Blackwater Refuge Complex and also to ensure the long-term protection of important open space and fish and wildlife habitat.

Again, in closing, I want to express my full support of this proposed legislation. And I urge my colleagues to support this bill.

Mr. GILCHREST. Mr. Speaker, as the author of H.R. 274, I am pleased the House is considering this legislation to expand the boundaries of the Blackwater National Wildlife Refuge, which is located in my congressional district.

Garrett Island, which consists of approximately 180 acres, was the site of Maryland's second settlement in the 1600's. It is the only rocky island in the tidal waters of the Chesapeake Bay system, and it is a vital link between the Susquehanna River and the Bay. It also provides habitat to 44 different bird species, including eagles, Common Loons, Tundra Swans and 14 species of ducks.

I have visited Garrett Island and there is no question that its rich history, geographic location and wildlife resource values make it an excellent candidate for inclusion within the National Wildlife Refuge system. As a nation, we can ill afford to allow unique places, like Garrett Island, to be lost forever.

While I am disappointed that the U.S. Fish and Wildlife Service has not endorsed this idea, I was pleased to hear the agency testify that, "Given the Island's historic and archaeological values, its recreational opportunities, and its environmental education and interpretation potential, a concerted effort should be put forth to provide long-term protection and management of the island." This is the goal of H.R. 274.

The Cecil Land Trust has done everything it can to protect this important property, contributing \$150,000 toward the purchase of the island. Based on our hearing, Federal acquisition costs will be less than \$400,000, and little, if any, maintenance or personnel will be required in the future. The Chesapeake Bay Foundation had it right when it wrote that steps must be taken to "ensure protection of this largely unspoiled, historical and ecological gem."

I would urge my Colleagues to vote "aye" on H.R. 274! This is an important and necessary inclusion in our National Wildlife Refuge system, which celebrated its 100th birthday last month. This is exactly the type of place that Theodore Roosevelt had in mind when this unique system of public lands was created.

Mr. FALEOMAVAEGA. Mr. Speaker, I yield back the balance of my time.

Mr. RENZI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. RENZI) that the House suspend the rules and pass the bill, H.R. 274.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RENZI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material in the RECORD regarding the three bills just considered, H. Res. 173, H.R. 274, and S. 162.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

COMMUNICATION FROM DISTRICT MANAGER OF THE HONORABLE ROBERT C. SCOTT, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Gisele P. Russell, District Manager of the Honorable Robert C. SCOTT, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 24, 2003.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for testimony issued by the Circuit Court of Newport News, Virginia in a criminal case.

After consultation with the Office of General counsel, I have determined that compliance with the subpoena is consistent with the precedents and Privileges of the House.

Sincerely,

GISELE P. RUSSELL,
District Manager.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m.

Accordingly (at 4 o'clock and 28 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

□ 1834

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 6 o'clock and 34 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Resolution 204, by the yeas and nays;

House Concurrent Resolution 156, by the yeas and nays;

House Concurrent Resolution 149, by the yeas and nays.

The first electronic vote will be conducted as a 15-minute vote. The second electronic vote will be conducted as a 5-minute vote. The third vote will be another 15-minute vote.

CONGRATULATING CHARTER SCHOOLS ACROSS THE UNITED STATES FOR THEIR ONGOING CONTRIBUTIONS TO EDUCATION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 204, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Nevada (Mr. PORTER) that the House suspend the rules and agree to the resolution, H. Res. 204, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 403, nays 0, answered "present" 5, not voting 26, as follows:

[Roll No. 146]
YEAS—403

Abercrombie	Barton (TX)	Blunt
Aderholt	Bass	Boehlert
Akin	Beauprez	Boehner
Alexander	Bell	Bonilla
Allen	Bereuter	Bonner
Andrews	Berkley	Bono
Baca	Berman	Boozman
Bachus	Berry	Boswell
Baird	Biggart	Boucher
Baker	Bilirakis	Bradley (NH)
Baldwin	Bishop (GA)	Brady (PA)
Ballance	Bishop (NY)	Brady (TX)
Ballenger	Bishop (UT)	Brown (OH)
Barrett (SC)	Blackburn	Brown (SC)
Bartlett (MD)	Blumenauer	Brown, Corrine

Brown-Waite, Grijalva
 Ginny Gutierrez
 Burgess Gutknecht
 Burns Hall
 Burton (IN) Harman
 Calvert Harris
 Camp Hart
 Cannon Hastings (FL)
 Cantor Hastings (WA)
 Capito Hayes
 Capps Hayworth
 Cardin Hefley
 Cardoza Hensarling
 Carson (IN) Herger
 Carson (OK) Hill
 Carter Hinchey
 Case Hinojosa
 Castle Hobson
 Chabot Hoeffel
 Chocola Hoekstra
 Clay Holden
 Clyburn Holt
 Coble Hooley (OR)
 Cole Hostettler
 Collins Houghton
 Cooper Hoyer
 Costello Hulshof
 Cox Hunter
 Cramer Inslee
 Crane Isakson
 Crenshaw Israel
 Crowley Issa
 Cubin Istook
 Culberson Jackson (IL)
 Cummings Jackson-Lee
 Cunningham (TX)
 Davis (CA) Janklow
 Davis (FL) Jefferson
 Davis (IL) Jenkins
 Davis (TN) John
 Davis, Jo Ann Johnson (CT)
 Davis, Tom Johnson (IL)
 Deal (GA) Johnson, E. B.
 DeFazio Johnson, Sam
 DeGette Jones (NC)
 Delahunt Kanjorski
 DeLauro Keller
 DeLay Kelly
 DeMint Kennedy (MN)
 Deutsch Kennedy (RI)
 Diaz-Balart, L. Kildee
 Diaz-Balart, M. Kilpatrick
 Dicks Kind
 Doggett King (IA)
 Dooley (CA) King (NY)
 Doolittle Kingston
 Doyle Kirk
 Dreier Kleczka
 Duncan Kline
 Dunn Knollenberg
 Edwards Kolbe
 Ehlers LaHood
 Emanuel Lampson
 Emerson Langevin
 Engel Lantos
 English Larsen (WA)
 Eshoo Larson (CT)
 Etheridge Latham
 Evans LaTourrette
 Everett Leach
 Farr Lee
 Fattah Levin
 Feeney Lewis (CA)
 Ferguson Lewis (GA)
 Filner Lewis (KY)
 Flake Linder
 Foley LoBiondo
 Forbes Lofgren
 Ford Lowey
 Frank (MA) Lucas (KY)
 Franks (AZ) Lucas (OK)
 Frelinghuysen Lynch
 Frost Majette
 Gallegly Maloney
 Garrett (NJ) Manzullo
 Gerlach Markey
 Gibbons Marshall
 Gillmor Matheson
 Gingrey Matsui
 Gonzalez McCarthy (NY)
 Goode McCollum
 Goodlatte McCotter
 Gordon McCrery
 Goss McDermott
 Granger McGovern
 Graves McHugh
 Green (TX) McInnis
 Green (WI) McIntyre
 Greenwood McKeon

McNulty Meehan
 Meek (FL) Meeks (NY)
 Menendez Mica
 Simmons Michaud
 Simpson Millender-
 Skelton McDonald
 Smith (NJ) Miller (FL)
 Smith (TX) Miller (MI)
 Smith (WA) Miller (NC)
 Snyder Miller, Gary
 Solis Miller, George
 Souder Mollohan
 Spratt Moore
 Stark Moran (KS)
 Stearns Murphy
 Stenholm Murtha
 Stupak Musgrave
 Sullivan Myrick
 Sweeney Nadler
 Tancred Napolitano
 Neal (MA)
 Nethercutt
 Ney
 Northup
 Norwood
 Nunes
 Nussle
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 Obey
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 Ortiz
 Osborne
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 Pallone
 Pascrell
 Pastor
 Paul
 Payne
 Pearce
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 Peterson (MN)
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 Price (NC)
 Pryce (OH)
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 Reyes
 Reynolds
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 Rogers (AL)
 Rogers (KY)
 Rogers (MI)
 Rohrabacher
 Ros-Lehtinen
 Ross
 Rothman
 Roybal-Allard
 Royce
 Ruppertsberger
 Rush
 Ryan (OH)
 Ryan (WI)
 Ryan (KS)
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 Sanchez, Linda
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 Sanchez, Loretta
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 Sandlin
 Saxton
 Schakowsky
 Schiff
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 Scott (GA)
 Scott (VA)
 Sensenbrenner
 Sessions
 Shadegg
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 Sherwood
 Shimkus
 Shuster
 Simmons
 Simpson
 Skelton
 Smith (NJ)
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 Souder
 Spratt
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 Stearns
 Stenholm
 Stupak
 Sullivan
 Sweeney
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 Tauzin
 Taylor (MS)
 Taylor (NC)
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 Thompson (CA)
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 Towns
 Turner (OH)
 Turner (TX)
 Udall (CO)
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 Upton
 Van Hollen
 Velazquez
 Visclosky

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 Watson
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 Weiner
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 Wilson (NM)
 Wilson (SC)
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 Woolsey
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 Wynn
 Young (AK)
 Young (FL)

This will be a 5-minute vote.
 The vote was taken by electronic device, and there were—yeas 409, nays 0, not voting 25, as follows:

[Roll No. 147]

YEAS—409

Ackerman
 Aderholt
 Akin
 Alexander
 Allen
 Andrews
 Baca
 Bachus
 Baird
 Baker
 Baldwin
 Ballance
 Ballenger
 Barrett (SC)
 Bartlett (MD)
 Barton (TX)
 Bass
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 Berkley
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 Biggert
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 Bishop (GA)
 Bishop (NY)
 Bishop (UT)
 Blackburn
 Blumenauer
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 Bradley (NH)
 Brady (PA)
 Brady (TX)
 Brown (OH)
 Brown (SC)
 Brown, Corrine
 Brown-Waite,
 Ginny
 Burgess
 Burns
 Burton (IN)
 Calvert
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 Capps
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 Carson (IN)
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 Cooper
 Costello
 Cox
 Cramer
 Crane
 Crenshaw
 Crowley
 Cubin
 Culberson
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 Cunningham
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 Davis (IL)
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 Davis, Jo Ann
 Davis, Tom
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Norwood	Ros-Lehtinen	Sweeney
Nunes	Ross	Tancred
Nussle	Rothman	Tanner
Oberstar	Roybal-Allard	Tauscher
Obey	Royce	Tauzin
Olver	Ruppersberger	Taylor (MS)
Ortiz	Rush	Taylor (NC)
Osborne	Ryan (OH)	Terry
Ose	Ryan (WI)	Thomas
Otter	Ryun (KS)	Thompson (CA)
Oxley	Sabo	Thompson (MS)
Pallone	Sanchez, Linda	Thornberry
Pascrell	T.	Tiahrt
Pastor	Sanchez, Loretta	Tiberi
Paul	Sandlin	Tierney
Payne	Saxton	Toomey
Pearce	Schakowsky	Towns
Pelosi	Schiff	Turner (OH)
Pence	Schrock	Turner (TX)
Peterson (MN)	Scott (GA)	Udall (CO)
Peterson (PA)	Scott (VA)	Udall (NM)
Petri	Sensenbrenner	Upton
Pickering	Sessions	Van Hollen
Pitts	Shadegg	Velazquez
Platts	Shaw	Visclosky
Pombo	Shays	Vitter
Pomeroy	Sherman	Walden (OR)
Porter	Sherwood	Walsh
Portman	Shimkus	Wamp
Price (NC)	Shuster	Waters
Pryce (OH)	Simmons	Watson
Putnam	Simpson	Watt
Quinn	Skelton	Waxman
Radanovich	Smith (MI)	Weiner
Rahall	Smith (NJ)	Weldon (FL)
Ramstad	Smith (TX)	Weldon (PA)
Rangel	Smith (WA)	Weller
Regula	Snyder	Wicker
Rehberg	Solis	Wilson (NM)
Renzi	Souder	Wilson (SC)
Reyes	Spratt	Wolf
Reynolds	Stark	Woolsey
Rodriguez	Stearns	Wu
Rogers (AL)	Stenholm	Wynn
Rogers (KY)	Strickland	Young (AK)
Rogers (MI)	Stupak	Young (FL)
Rohrabacher	Sullivan	

NOT VOTING—25

Abercrombie	Fletcher	Moran (VA)
Becerra	Fossella	Owens
Boyd	Gephardt	Sanders
Burr	Gilchrist	Serrano
Buyer	Honda	Slaughter
Combest	Hyde	Wexler
Conyers	Jones (OH)	Whitfield
Davis (AL)	Lipinski	
Dingell	McCarthy (MO)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are reminded they have 2 minutes in which to cast their votes.

□ 1902

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this next question will be conducted as a 15-minute vote.

EXPRESSING SUPPORT FOR THE CELEBRATION OF PATRIOTS' DAY AND HONORING THE NATION'S FIRST PATRIOTS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the

concurrent resolution, H. Con. Res. 149, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Dakota (Mr. JANKLOW) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 149, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 0, not voting 23, as follows:

[Roll No. 148]

YEAS—411

Abercrombie	Cubin	Hefley
Ackerman	Culbertson	Hensarling
Aderholt	Cummings	Herger
Alkin	Cunningham	Hill
Alexander	Davis (CA)	Hinchey
Allen	Davis (FL)	Hinojosa
Andrews	Davis (IL)	Hobson
Baca	Davis (TN)	Hoefel
Bachus	Davis, Jo Ann	Hoekstra
Baird	Davis, Tom	Holden
Baker	Deal (GA)	Holt
Baldwin	DeFazio	Hooley (OR)
Ballance	DeGette	Hostettler
Barrett (SC)	Delahunt	Houghton
Bartlett (MD)	DeLauro	Hoyer
Barton (TX)	DeLay	Hulshof
Bass	DeMint	Hunter
Beauprez	Deutsch	Inslee
Bell	Diaz-Balart, L.	Isakson
Bereuter	Diaz-Balart, M.	Israel
Berkley	Dicks	Issa
Berman	Doggett	Istook
Berry	Dooley (CA)	Jackson (IL)
Biggart	Doolittle	Jackson-Lee
Bilirakis	Doyle	(TX)
Bishop (GA)	Dreier	Janklow
Bishop (NY)	Duncan	Jefferson
Bishop (UT)	Dunn	Jenkins
Blackburn	Edwards	John
Blumenauer	Ehlers	Johnson (CT)
Blunt	Emanuel	Johnson (IL)
Boehlert	Emerson	Johnson, E. B.
Boehner	Engel	Johnson, Sam
Bonilla	English	Jones (NC)
Bonner	Eshoo	Jones (OH)
Bono	Etheridge	Kanjorski
Boozman	Evans	Kaptur
Boswell	Everett	Keller
Boucher	Farr	Kelly
Bradley (NH)	Fattah	Kennedy (MN)
Brady (PA)	Feeney	Kennedy (RI)
Brady (TX)	Ferguson	Kildee
Brown (OH)	Filner	Kilpatrick
Brown (SC)	Flake	Kind
Brown, Corrine	Foley	King (IA)
Brown-Waite,	Forbes	King (NY)
Ginny	Ford	Kingston
Burgess	Frank (MA)	Kirk
Burns	Franks (AZ)	Kleczka
Burton (IN)	Frelinghuysen	Kline
Calvert	Frost	Knollenberg
Camp	Gallegly	Kolbe
Cannon	Garrett (NJ)	Kucinich
Cantor	Gerlach	LaHood
Capito	Gibbons	Lampson
Capps	Gillmor	Langevin
Capuano	Gingrey	Lantos
Cardin	Gonzalez	Larsen (WA)
Cardoza	Goode	Larson (CT)
Carson (IN)	Goodlatte	Latham
Carson (OK)	Gordon	LaTourette
Carter	Goss	Leach
Case	Granger	Lee
Castle	Graves	Levin
Chabot	Green (TX)	Lewis (CA)
Chocola	Green (WI)	Lewis (GA)
Clay	Greenwood	Lewis (KY)
Clyburn	Grijalva	Linder
Coble	Gutierrez	LoBiondo
Cole	Gutknecht	Lofgren
Collins	Hall	Lowey
Cooper	Harman	Lucas (KY)
Costello	Harris	Lucas (OK)
Cox	Hart	Lynch
Cramer	Hastings (FL)	Majette
Crane	Hastings (WA)	Maloney
Crenshaw	Hayes	Manzullo
Crowley	Hayworth	Markey

Marshall	Peterson (PA)	Smith (NJ)
Matheson	Petri	Smith (TX)
Matsui	Pickering	Smith (WA)
McCarthy (NY)	Pitts	Snyder
McCollum	Platts	Solis
McCotter	Pombo	Souder
McCrery	Pomeroy	Spratt
McDermott	Porter	Stark
McGovern	Portman	Stearns
McHugh	Price (NC)	Stenholm
McInnis	Pryce (OH)	Strickland
McIntyre	Putnam	Stupak
McKeon	Quinn	Sullivan
McNulty	Radanovich	Sweeney
Meehan	Rahall	Tancred
Meek (FL)	Ramstad	Tanner
Meeks (NY)	Rangel	Tauscher
Menendez	Regula	Tauzin
Mica	Rehberg	Taylor (MS)
Michaud	Renzi	Taylor (NC)
Millender-	Reyes	Terry
McDonald	Reynolds	Thomas
Miller (FL)	Rodriguez	Thompson (CA)
Miller (MI)	Rogers (AL)	Thompson (MS)
Miller (NC)	Rogers (KY)	Thornberry
Miller, Gary	Rogers (MI)	Tiahrt
Miller, George	Rohrabacher	Tiberi
Mollohan	Ros-Lehtinen	Tierney
Moore	Ross	Toomey
Moran (KS)	Rothman	Towns
Moran (VA)	Roybal-Allard	Turner (OH)
Murphy	Royce	Turner (TX)
Murtha	Ruppersberger	Udall (CO)
Musgrave	Rush	Udall (NM)
Myrick	Ryan (OH)	Upton
Nadler	Ryan (WI)	Van Hollen
Napolitano	Ryun (KS)	Velazquez
Neal (MA)	Sabo	Visclosky
Nethercutt	Sanchez, Linda	Vitter
Ney	T.	Walden (OR)
Northup	Sanchez, Loretta	Walsh
Norwood	Sandlin	Wamp
Nunes	Saxton	Waters
Nussle	Schakowsky	Watson
Oberstar	Schiff	Watt
Obey	Schrock	Waxman
Olver	Scott (GA)	Weiner
Ortiz	Scott (VA)	Weldon (FL)
Osborne	Sensenbrenner	Weldon (PA)
Ose	Sessions	Weller
Otter	Shadegg	Wicker
Oxley	Shaw	Wilson (NM)
Pallone	Shays	Wilson (SC)
Pascrell	Sherman	Wolf
Pastor	Sherwood	Woolsey
Paul	Shimkus	Wu
Payne	Shuster	Wynn
Pearce	Simmons	Young (AK)
Pelosi	Simpson	Young (FL)
Pence	Skelton	
Peterson (MN)	Smith (MI)	

NOT VOTING—23

Ballenger	Dingell	McCarthy (MO)
Becerra	Fletcher	Owens
Boyd	Fossella	Sanders
Burr	Gephardt	Serrano
Buyer	Gilchrist	Slaughter
Combest	Honda	Wexler
Conyers	Hyde	Whitfield
Davis (AL)	Lipinski	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the reading). Members are advised they have 2 minutes within which to cast their vote.

□ 1919

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

The title of the concurrent resolution was amended so as to read: "Concurrent Resolution expressing support for the celebration of Patriots' Day and honoring the Nation's first patriots."

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 146, 147, and 148 due to medical reasons. Had I been present, I would have voted "yea" on rollcall votes 146, 147, and 148.

PERSONAL EXPLANATION

Mr. FLETCHER. Mr. Speaker, on Tuesday, April 29, 2003, had I been present for rollcall vote Nos. 146, 147, and 148, I would have voted the following way: Rollcall vote No. 146 "Aye"; rollcall vote No. 147 "Aye"; rollcall vote No. 148 "Aye."

ELECTION OF MEMBER TO COMMITTEE ON RESOURCES

Mr. KINGSTON. Mr. Speaker, I offer a resolution (H. Res. 205) and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 205

Resolved, That the following Member be and is hereby elected to the following standing committee of the House of Representatives:

Committee on Resources: Mr. PUTNAM.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Hon. Nancy Pelosi, Democratic Leader:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2003.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: pursuant to (section 1238(b)(3)) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106-398), I hereby reappoint Mr. George Becker of Pennsylvania, for a term to expire on December 31, 2005 and Mr. Michael Wessel of Virginia, for a term to expire on December 31, 2004, to the United States-China Security Review Commission.

Best regards,

NANCY PELOSI,
Democratic Leader.

AFRICA ON BRINK OF DEVASTATING FAMINE

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Madam Speaker, I cannot believe it is happening again. A famine worse than the one that devastated Ethiopia in 1984 threatens the lives of millions of Africans. This is happening right now, today, and tragically, very

few people are even aware of the gravity of the situation.

This month's edition of Christianity Today includes an article detailing the imminent devastation. Africa is on the brink of a crisis of Biblical proportions, yet regular readers of The Washington Post, The New York Times, and nearly every other major news outlet would have no idea.

In 1984, 8 million people were in need of food aid. This past January, more than 11 million people struggled for their next meal. When I visited Ethiopia in January, I saw women and children, one, this young girl, who were too weak to feed themselves. Today, the situation is even more distressing.

The war in Iraq has demanded our attention, but we cannot allow this silent emergency to grow worse. The lives of millions of women and children depend on this story being shared loudly and boldly. How will history judge our response if millions die while more could have been done.

Madam Speaker, I include a copy of a letter I sent to President Bush regarding this matter, and factual information regarding Eritrea and Ethiopia.

The material referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 29, 2003.

Hon. GEORGE W. BUSH,
President, The White House,
Washington, DC.

DEAR MR. PRESIDENT: I am writing to encourage you to recommend that a special envoy for hunger be appointed by U.N. Secretary General Kofi Annan.

While Jim Morris, the director of the World Food Programme, is aggressively drawing attention to this crisis, it was distressing to read the recent cable from the American ambassador in Ethiopia describing a grimmer outlook for the coming months than had previously been expected. The cable and the latest NOAA weather forecast (both enclosed), which revises expectations for crop viability downward, paint a bleak outlook for millions of Ethiopians for months to come. Perhaps you might want to look at this idea and urge the U.N. to appoint this special envoy for a year.

I know that the U.S. has undertaken a number of other steps to respond to the famine in Ethiopia and around the world, but I feel that while the United States is doing a good job, it is important to enlist greater help from the other nations who have not fully participated. I am in no way doubting Mr. Morris's efforts or abilities, but believe that a special envoy could augment and complement his efforts.

Many European news outlets have run stories in recent days on the growing number of Africans, whose lives are now in jeopardy. The Ethiopian Government is planning another 'Live-Aid' concert to re-energize the donor community and draw international attention to the situation. The momentum of this concert, coupled with the appointment of a U.N. special envoy, may help draw enough attention and resources to the continent and save the lives of millions of women and children.

In Matthew 25, Jesus talks about the obligation to feed the hungry. I have noticed that in these villages and camps in Africa, it is the women and the children who are powerless and who are dying.

Your consideration would be appreciated.

Sincerely,

FRANK R. WOLF,
Member of Congress.

CLIMATE INFORMATION AND POTENTIAL IMPACTS FOR ERITREA AND ETHIOPIA

Background—This report contains the latest information from the Department of Commerce (DOC)/National Oceanic and Atmospheric Administration (NOAA) on weather and climate status, impact and outlook, including potential impacts on food security or hydrology for the following countries (the Appendix describes the weekly Africa Weather Hazards Assessment also attached):

Eastern Africa: Eritrea, Ethiopia.

CLIMATE STATUS, IMPACT AND OUTLOOK

Eastern Africa: These countries are just entering their rainy season. Emphasis is on current conditions and the impacts suggested by the seasonal forecasts.

ERITREA

Climatology

Eritrea has two major climate regimes, the desert lowland climate and the wetter, cooler highland climate.

The desert lowlands extend along the Red Sea coast. Annual rainfall amounts average less than 8 inches and summertime maximum temperatures often exceed 100°F. Nighttime lows during the summer are typically around 90°F.

In the highlands, the climate is cooler and wetter, with annual average rainfall amounts ranging from 18 to 24 inches. In the Eritrean capital, Asmara (elevation ~ 7700 feet), summertime high temperatures are typically in the upper 60s and low 70s with nighttime lows in the upper 50s and lower 60s.

Current Status

Dryness in recent years has resulted in long-term drought conditions across southern Eritrea. Over the last week we have seen a shift in the precipitation patterns with light rainfall extending northward into central and southern Eritrea. Based on the National Weather Service Global Forecast model this rainfall of less than about ½ inch per day is expected to continue through the next 4 days through April 21. Temperatures have been near-normal.

Outlook and Impact

May-July 2003: Near to above normal rainfall and above normal temperatures are expected throughout most of the country, which would benefit seasonal crops. However, poor pasture conditions and long-term moisture deficits are likely to persist.

August-October 2003: Near to above normal rainfall and above normal temperatures are expected throughout most of the country, which would benefit seasonal crops.

ETHIOPIA

Climatology:

Ethiopia has three major climate regimes, the highlands, the southern and eastern parts of the country, and north central Ethiopia.

The highlands cover most of western Ethiopia and are at elevations ranging from 3,000 to well over 8,000 feet. In the Ethiopian Highlands, there is one rainy season which begins in May and runs through September. The heaviest rains typically fall in July and August. From October through April, rainfall is typically light. Average annual rainfall across the Ethiopian Highlands can exceed 60 inches. Average summer maximum temperatures in the highlands are in the 60s and average minimums are in the 50s.

Addis Ababa, the capital and largest city (elevation ~7700 feet), averages 47.7 inches of rainfall per year and has average summertime maximums in the upper 60s and minimums in the mid-50s. However, extremes range from the 30s to the 90s. In general, the mountain weather is highly variable.

In the southern and eastern parts of the country, there are two rainy seasons, separated by a dry season. The first rainy season

occurs in April and May and is the major wet season accounting for most of the region's annual rainfall. Rainfall typically tapers off during June, July and August. This is followed by a second minor wet season in September and October. Average annual rainfall in this regime ranges from about 30 inches in the southwest to less than 10 inches in the southeast. Average summer maximum temperatures are in the 90s and average minimums are in the 70s.

The third major climate regime occurs in the Afar region of Ethiopia and the surrounding areas. Afar is in northern Ethiopia and shares a border with Eritrea and Djibouti. The first rainy season in this area occurs during March, April and May and is the minor wet season. Most of the rain falls during the second wet season which occurs during July and August. Except for occasional showers, the region is dry from mid-September through February. Average annual rainfall in this regime is less than 10 inches. Average summer maximum temperatures are in the 90s and average minimums are in the 70s.

Current Status:

Dryness in recent years has resulted in long-term drought conditions across Ethiopia's Afar region and southern Eritrea, and adjacent portions of Ethiopia's Tigray, Amhara and Oromiya regions. There are also indications conditions are becoming drier across parts of southeastern Ethiopia. Over the last week we have seen a shift in the precipitation patterns with light rainfall extending northward into central Ethiopia. Based on the National Weather Service Global Forecast model this rainfall of less than about ½ inch per day is expected to continue through the next 4 days through April 21. Temperatures have been near normal.

Outlook and Impact:

The Experimental Climate Outlook from NOAA's Climate Prediction Center (CPC) and the International Research Institute indicate the outlook for Ethiopia as follows:

May–July 2003: There is a small increase in the probability for above normal rainfall in northwest Ethiopia. This region is one of the wettest parts in the country. There is also a small increase in the probability for below normal rainfall in southeastern Ethiopia, which is semi-arid grassland. Normal rainfall is expected for the remainder of the country. Some improvement in long-term drought conditions is expected, however, poor pasture conditions and long-term moisture deficits are likely to persist in the Afar region. The potential exists for an increase in long-term rainfall deficits and vegetation stress in parts of southeastern Ethiopia.

August–October 2003: Near to above normal rainfall and above normal temperatures are expected throughout most of the country, which would benefit seasonal crops.

APPENDIX

It is important to recognize that many of the issues discussed are regional in nature. This is exemplified by the attached figure which depicts the most recent weekly Africa Weather Hazards Assessment. NOAA, with support from the U.S. Agency for International Development (USAID) Famine Early Warning System (FEWS), has the lead for preparing this bulletin, using information from NOAA, NASA, and USGS. It is distributed as follows:

1. By electronic mail to the Department of State, USAID/FEWS, field contractor Chemonics staff, USGS, and NASA. Recipients also include the Drought Monitoring Centers in Nairobi, Kenya, and Harare, Zimbabwe, Agrhyment in Niamey, Niger, and the Southern Africa Development Community in Gaborone, Botswana.

2. The bulletin is placed on the Climate Prediction Center (CPC), National Weather Service (NWS) web site—<http://www.cpc.ncep.noaa.gov/products/feWS>

3. CPC's web site is hotlinked to the USAID/FEWS homepage at: <http://www.feWS.net/>

The Africa Weather Hazards Assessment provides discussions and graphics which highlight areas of concern to policy makers, relief workers, decision makers and others with interest in the African continent. NOAA's CPC produces daily, weekly, 10-day, and monthly precipitation estimates for the Africa region, and also monitors meteorological and climatic phenomena for the continent. CPC monitors dryness, drought, flooding, temperature extremes, cyclones, and organized storm systems. This information is included in the weekly weather hazards product as guidance to help users make more accurate, relevant decisions.

With support from the USAID/FEWS, NOAA anticipate developing a similar weekly bulletin for Central America over the next few months.

Information on the seasonal outlooks is a result of a partnership between the NOAA/NWS Africa Desk and the NOAA-sponsored International Research Institute for Climate Prediction.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each:

MINORITY HEALTH DISPARITIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Ms. CARSON) is recognized for 5 minutes.

Ms. CARSON of Indiana. Mr. Speaker, I would like to first extend my gratitude to the gentlemen from Texas, Mr. RODRIGUEZ and Mr. HINOJOSA, along with the Congressional Hispanic Caucus, for organizing this special order tonight to discuss minority health issues.

Earlier today, the Congressional Black Caucus, the Congressional Asian Pacific American Caucus, the Congressional Hispanic Caucus, and the Congressional Native American Caucus held a rally to call attention to the need to increase health care access.

In my home State of Indiana, Mr. Speaker, there were over 1.4 million people who did not have health insurance at some point last year. That is 26 percent of the nonelderly population.

Universal, affordable access to health care would be a major factor in eliminating the vast health disparities for minority populations. Affordable access to health care for the minority populations is a matter of economics as well as life.

I am sure many Members of Congress, Mr. Speaker, saw today where Bethlehem Steel in Maryland has sold out to another company, and all of the longstanding, hardworking employees there subsequently lost their health insurance.

In Indiana, black or African Americans comprise 8.4 percent of Indiana's

population. The top leading causes of death plaguing the African American population are heart disease; cancer; cerebrovascular diseases, predominantly stroke; and diabetes.

In the Hispanic population, the leading causes of death are heart disease, cancer, and unattended injuries.

In Indiana, a 20 percent excess mortality rate from incidence of heart disease exists for African Americans in comparison to whites; a 23 percent excess mortality rate from incidence of cancer exists for African Americans in comparison to whites; a 23 percent excess mortality rate from incidence of cerebrovascular disease, predominantly stroke, exists for blacks by comparison; a 105 percent excess mortality rate from the incidence of diabetes exists for blacks in comparison to whites. These excess rates not only take life, but create economic hardships of hospitalization, prescription drugs, and loss of income.

April is National Minority Health Month. We need to use this time to reflect on what changes need to be made in the way we view access to health and who gets the best treatment.

In Indiana, African Americans die at a higher rate, 25 percent. Per 100,000 population, cancer, 72 percent more African Americans; diabetes, 33 percent more deaths; heart disease, 73 more African American deaths; stroke, 18 percent more deaths.

The numbers are very troubling and alarming. Mr. Speaker, we must do something to counteract the disparity in health care and health insurance for minorities across this country.

Last year, the Institute of Medicine came out with a study: "Unequal Treatment: Confronting Racial and Ethnic Disparities in Health Care." It found that racial and ethnic minorities in the United States tend to receive lower quality health care than any others.

The report made many recommendations as to what should be done; and certainly, Mr. Speaker, we need to consider very seriously universal health care, not just to undergird the disparities that exist in minority health care, but to ensure that people across racial and economic lines access quality medical care in the same spirit and in the same way that current Members of Congress do.

Mr. Speaker, again I would like to commend the gentleman from Texas (Mr. RODRIGUEZ) for calling this special order tonight. I trust that at the end of the conversation and the dialogue, that America will be better informed and Congress will be moved to act.

GET THE U.S. OUT OF THE U.N.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, I rise today to urge the leadership of this body to bring a very important vote to the House floor.

I recently introduced H.R. 1146, the American Sovereignty Restoration Act, which would end our participation in the United Nations. Millions of Americans have begun to question why we continue to spend \$300 million each year funding and housing an organization that is actively hostile to American interests. Surely Congress, which routinely spends 15 minutes renaming post offices, can spare 15 minutes to vote on this fundamental issue of American sovereignty.

Obviously, many Americans now want to get out of the U.N. because they resent its refusal to sanction our war in Iraq. The administration deserves some credit for ultimately upholding the principle that American national sovereignty is not a matter of international consensus and that we do not need U.N. authorization to act.

But the administration sent mixed signals by doing everything possible to obtain such authorization, and by citing U.N. resolutions as justification for our actions. The message seems to be that the United Nations is credible when we control it and it does what we want, but lacks all credibility when it refuses to do our bidding.

Perhaps it is time to stop trying to manipulate the United Nations and start asserting our national sovereignty. If we do not, rest assured that the United Nations will continue to interfere, not only in our foreign policy, but in our domestic policies, as well. U.N. globalists are not satisfied by meddling only in international disputes; they increasingly want to influence our domestic, environmental, trade, labor, tax, and gun laws.

U.N. global planners fully intend to expand the organization into a true world government, complete with taxes, courts, and possibly a standing army. This is not an alarmist statement; these goals are readily promoted under on the U.N.'s own Web site.

U.N. planners do not care about national sovereignty. In fact, they are openly hostile toward it. They correctly view it as an obstacle to their plans. They simply are not interested in our Constitution and Republican form of government.

The choice is very clear: we either follow the Constitution, or submit to U.N. global governance. American national sovereignty cannot survive if we allow our domestic laws to be crafted or even influenced by an international body. This needs to be stated publicly more often. If we continue down the U.N. path, America, as we know it, will cease to exist.

□ 1930

Noted constitutional scholar Herb Titus has thoroughly researched the United Nations and its purported authority. Titus explains that the U.N. charter is not a treaty at all but rather a blueprint for a supernational government that directly violates the Constitution. As such, the charter is neither politically nor legally binding

upon the American people or Government. The U.N. has no authority to make laws that bind American citizens because it does not derive its powers from the consent of the American people. We need to stop speaking of U.N. resolutions and edicts as if they represented legitimate laws or treaties. They do not.

In conclusion, Mr. Speaker, I am merely asking House leadership to schedule a vote on H.R. 1146, the American National Sovereignty Act. Americans deserve to know how their representatives stand on the critical issue of American sovereignty.

The SPEAKER pro tempore (Mr. BURNS). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1350, IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT OF 2003

Mr. SESSIONS (during the special order of Mr. RODRIGUEZ), from the Committee on Rules, submitted a privileged report (Rept. No. 108-79) on the resolution (H. Res. 206) providing for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

HISPANIC HEALTH IMPROVEMENT ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 60 minutes as the designee of the minority leader.

Mr. RODRIGUEZ. Mr. Speaker, I take this hour tonight to talk about a critical issue back home and that is the issue of access to health care and quality care. In a Nation where we have some of the greatest research and the greatest strides that we have made in health, we still do not have individuals able to have access to health care.

The Hispanic Health Improvement Act is a comprehensive bill that we have filed aimed at improving Hispanic health in the United States. Hispanics are now the fastest-growing community and compose 13 percent of the United States population; yet they make up 23 percent of the total uninsured population, and nearly 37 percent of Hispanics under the age of 64 find themselves uninsured. We need to make sure that we address the problems of the uninsured. We need to make sure that we address the problems of access to health care.

Mr. Speaker, I am pleased tonight to also be joined by the vice chairman of the Congressional Hispanic Caucus, the gentlewoman from California (Mrs. NAPOLITANO). I am extremely pleased that we have this opportunity and the gentlewoman joins me here tonight, and I want to recognize the gentlewoman at this point in time.

Mrs. NAPOLITANO. Mr. Speaker, I thank the gentleman from Texas (Mr. RODRIGUEZ). It is a pleasure to be here to speak to the issue of health services that are lacking, sadly, in not only our own districts but throughout the United States. I am sorry to report, Mr. Speaker, that the Bush budget sacrifices the health of our Nation to provide tax cuts for the wealthiest 1 percent.

The budget also fails to adequately address the problem of 41 million who go without health insurance; nearly 25 percent of those are uninsured children. Even 25 percent of the moderate-income families cannot afford health insurance. And eight out of 10 uninsured Americans are from working families of the United States. Unfortunately, Hispanics especially fall into this category. Over 33 percent, Mr. Speaker, of all Hispanics, 33 percent are uninsured, compared to 10 percent of non-Hispanic whites.

This Bush budget cuts funding for Medicaid coverage for children, for low-income seniors, for people in nursing homes, and especially for the disabled. This budget fails to provide adequate increases for the National Institutes of Health. It cuts funds for rural health care and cuts grants to trained doctors at so very critical children's hospitals. The budget eliminates funding for the Centers of Excellence program, the Health Career Opportunity program which increases the number of minority health care providers. We need to ensure linguistically and culturally appropriate health care by giving minority students the opportunity to enter into a health care profession and assist them with this education and training. By eliminating training for diversity programs, this administration would deny the opportunities for minorities to succeed.

The budget also sacrifices the health needs of the most vulnerable to provide tax cuts for the wealthiest. The budget provides, unfortunately, only 38 percent of the benefits to the wealthiest 1 percent of the Americans; that is to say, they are the ones who benefit the most. While middle-income families would get less than one dollar per day, with cuts in Federal aid to health care and no increased aid to States, the budget would exacerbate the current trend of higher State and local taxes.

Now we move into the Congressional Hispanic Caucus proposing a health care for the uninsured and the Hispanic Health Care Improvement Act that my colleague was just talking about. It is unfortunate that the number of uninsured in this Nation is alarming. Too

many people continue to go without insurance coverage. The uninsured represent 41 million people, 14.6 percent of our U.S. population, which means that a quarter of all moderate-income families cannot afford health insurance. Eight out of 10 uninsured Americans are from working families.

Just 2 days ago I met, I formed a task force of many factors in my area to listen to what their cries are for help from our government. Let me tell you, Mr. Speaker, one of the main issues was unaffordable health insurance for their workers. These are manufacturers who are the backbone of our economy in the United States, talking to us and saying, help, we need to address this issue which is critical to have healthy employees have healthy families so that our employees do not miss work.

Over 33 percent of all Hispanics are uninsured compared, again, to the 10 percent of non-Hispanic whites. The Hispanic community faces specific hardships in accessing health care. Due to their prevalence in low-wage jobs, many do not have access to on-the-job insurance coverage. Combined with a level of fear and confusion that stems from the complicated laws, many in the community are forced to fall into safety-net programs in times of need. While these programs serve many Hispanic families, their enrollment numbers do not equal their need. We must find ways to provide better, more affordable coverage to more U.S. working-class families. We need to increase coverage in enrolling people in all Federal programs such as Medicare, Medicaid, and the State Children's Health Insurance Program. We cannot afford cuts to these programs. There must be flexibility and incentives for the States to increase enrollment in times of economic recession and as our population increases. We must also ensure that our health care system can provide linguistically and culturally appropriate health care by giving minority students the opportunity to enter and be successful in health care professions.

I would like to call attention to the bill which I believe is part of the solution of covering the uninsured. This week the Congressional Hispanic Caucus will introduce a Hispanic Health Improvement Act with the gentlewoman from California (Ms. SOLIS) and members of the Congressional Hispanic Caucus. Senator BINGAMAN was gracious enough to introduce companion legislation in the Senate. This bill was first introduced in the 106th Congress, and it offers a wide variety of strategies for expanding health care coverage, improving access, affordability and reducing health disparities. The legislation provides \$33 billion between fiscal years 2003 and 2010 for the expansion of the successful State Children's Health Insurance Program, commonly known as SCHIP, to cover uninsured, low-income, pregnant women and parents. In addition, it provides the States the option to enroll legal immigrant

pregnant women and children in Medicaid and the SCHIP program.

The caucus considers the expansion of Medicaid and SCHIP eligibility to be a very critical component in legislative priorities for improving Hispanic health care. The legislation also authorizes diabetes education, prevention, and treatment programs designed to address the needs of Hispanics and other minorities.

Lastly, we seek to reduce health care disparities by addressing the lack of providers who can provide, again, culturally competent and linguistically appropriate care.

The bill also provides for increased funding for the Health Resources and Services Administration's health professions diversity programs. Unfortunately, the President's budget proposal for fiscal year 2003 eliminates virtually all funding for these so very important programs for our Hispanic community.

In addition to promoting diversity, the programs support the training of professionals in fields that are experiencing shortages. Mr. Speaker, I have heard from other Members of Congress how important some of their districts are now in providing access to diverse cultural linguistic services in areas because there are Hispanics throughout the United States, not just in the southern States. That was the case a decade or so ago.

They are also important for promoting access to health care services in medically underserved communities, especially rural areas and ag areas. The caucus considers increased funding a high priority, and we thank our Hispanic Congressional Caucus colleagues for taking the lead in providing some of these critical health care services. Hopefully, it will be a solution if it is accepted.

I lead on to a third component of health care and that is mental health. We talk about it, but we do not really bring it out into the open. It is a stigma. And we think we have the ability to do a better job, especially when we consider the veterans from prior wars have problems with post-traumatic syndrome and our seniors have depression problems, and we do very little about it. We need to have it included in medical coverage, but we also must realize that we have other programs that will deal with addressing the issues at the time the students are in school, whether it is a middle school or a high school. We have started such a program in our area thanks to SAMHSA. We were able to start a pilot project in a high school and three middle schools to address the issue of what was found 3 years ago to be a nationwide problem and that was Latina adolescents were the highest in the country who had attempted suicide.

We were able to get some money to start these programs with a nonprofit mental health clinic which has been very successful and a very acceptable program not only to the administrators and the teachers, but the parents

who are referring students and also to the people in the whole district. We have partnered with the community, and we have become proactive in looking at the issues that stress brings to our children, that drugs, that cultural difference and others have in having an impact on our young Hispanic adolescents. We have significant success because the community got involved and because there were people who cared about bringing the issue to the forefront and not worrying about whether it was going to be a stigma on the community itself.

We geared the program towards the adolescents because they have demonstrated a high level of need; and no youngster, whether it is Latino, Latina, whether it is white, African American, they are all being provided services under this program even though it is all coming out for a significantly designated Latina adolescent program.

We recently had an on-site visit by Charles Curie, the administrator of SAMHSA, the Federal organization that provides and oversees the funding; and they were very pleased and are looking at the possibility of expanding the program into other areas because it has been so successful.

We are confident that in bringing these kinds of programs out into Congress and sharing them with other Members that we can see that we have need in our own backyard and that we will make this a more important and focal issue so that we can begin to help our youngsters who are facing stress and who, in many instances, turn to violence in our schools.

Mr. Speaker, I thank you for listening. I thank my colleagues for the hard work that they have done on the Hispanic Health Improvement Act and look forward to seeing some of these programs be successful.

Mr. RODRIGUEZ. Mr. Speaker, I want to thank the gentlewoman for being here tonight, and I want to thank the gentlewoman for her work in this area. I know the gentlewoman has worked extremely hard.

I was extremely pleased that when the gentlewoman came in she recognized a problem in the Latina community in terms of the young ladies committing suicide, and she filed the legislation and took it over, and I want to personally thank her and hopefully get some resources in this area. Again, I want to take this opportunity to thank the gentlewoman for being here and sharing her concerns. I know the gentlewoman represents her district well.

□ 1945

Mr. RODRIGUEZ. Mr. Speaker, I would like to also take this opportunity to talk a little bit about the quality of access to health care in this Nation.

Today, I had the opportunity of joining many of my colleagues at a rally to bring awareness to the uninsured in this Nation. There is a real need for us

to come to grips with the fact that we still have not addressed the problems of the uninsured. We still have not addressed the problems of our seniors and prescription drug coverage. We still have not addressed the problems regarding funding in Medicaid and Medicare, as well as the SCHIP program.

Our States are having a great deal of difficulty, not to mention the difficulty of our consumers and our people that are falling ill. Unfortunately, too many Americans continue to lack health insurance. Insuring the health of all Americans must be a priority for our Nation.

There are many myths about the uninsured and why they lack health insurance. Many people do not realize just how many Americans are affected by the lack of health insurance. People believe that the uninsured are unemployed and simply choose not to purchase health insurance. Nothing could be further from the truth. The uninsured represent 41 million people. And in any one given year, we have, at some time, up to 75 million in this country that are uninsured. We have 14.6 percent of our population that falls into this category. Even 25 percent of the moderate income families cannot afford health insurance. Nearly 25 percent of all uninsured are children.

Let me just point out that if someone does not work for government, and by that, whether it be Federal Government, State government or local government, and if an individual does not work for a major corporation, the bottom line is they find themselves without access to insurance. Those working for small companies, or who work in rural America, do not have access to health care. So there is a real need for us to address this problem and come together.

Eight out of ten uninsured Americans are from working families. Eight out of ten. So the majority of our people that are uninsured are those that are working yet find themselves not poor enough to qualify for Medicaid, yet not having enough resources to be able to address the problems when they find themselves ill.

Hispanics especially fall into this category. Over 33 percent of all Hispanics are uninsured compared to 10 percent of the non-Hispanic white population. And that percentage rises to 34 percent for nonelderly Hispanics. Hispanics rely on many of the Federal programs that provide their only access to health care, as do millions of low and moderate income individuals and working families without health insurance. Over 19 percent of all Hispanics depend on Medicare for their health care.

So the majority that are seniors are in Medicare, but there is a large percentage of them where this is the only thing they have. Over 35 percent of all Hispanic children depend on the State Children's Health Insurance Program that we help fund, yet our States are having difficulty throughout the country. At one point, in Texas the State

talked about just wiping out the whole State Children's Health Insurance Program, and that would be devastating.

These programs serve many Hispanic families and many Americans throughout this country, but there are still far too many eligible families that are not enrolled in these programs. For Hispanics there are unique barriers that prevent access to quality health care. There are levels of fear and confusion that deters many eligible Hispanic families from enrolling in these programs. This fear stems from the complicated laws barring legal permanent residents from access to safety nets that taxes help support. And I am referring to legal permanent residents. These are individuals that are here legally, working, yet have not become citizens and they find themselves with difficulty in terms of having access to this care.

We need to increase coverage and enrollees in all Federal programs to provide insurance such as Medicare and Medicaid and State Children's Health Insurance Programs. There must be flexibility and incentives for the States to increase enrollment in times of economic recession as the population increases. And we must also ensure that our health care systems can provide linguistically and culturally appropriate health care by giving minority students the opportunity to enter into the health profession.

I would like to also call attention to the bill that was mentioned earlier that allows for coverage of the uninsured. This week we will be introducing the Hispanics Health Improvement Act, as has been mentioned. The gentlewoman from California (Ms. SOLIS) as well as other members of the Congressional Hispanic Caucus, will be introducing the legislation, and we are going to be talking about some of the concerns that we have had. As the gentlewoman from California (Ms. NAPOLITANO) has indicated, Senator BINGAMAN has been gracious enough to introduce companion legislation in the Senate.

This landmark legislation is based on a previous Hispanic Health Act, which I personally introduced in the 106th Congress and on existing legislation that Senator BINGAMAN has championed in the Senate. The legislation offers a variety of different strategies for expanding health care and coverage, as well as improving access and affordability and reducing health disparities. While I consider each provision in our bill to be important, I am just going to highlight some of the more urgent ones.

In order to address the lack of health care coverage, the legislation provides additional resources between 2003 and 2010 for the expansion of the successful State Children's Health Insurance Program, the SCHIP, to cover the uninsured low-income pregnant women and parents. So we are talking about going and making sure we cover women that are expecting kids and their parents.

In addition, it provides States the option to enroll legal immigrant pregnant women and children in Medicaid as well as the SCHIP. The Congressional Hispanic Caucus considers the expansion of both Medicaid and the SCHIP eligibility to be a critical legislative priority for improving Hispanics' health.

The legislation provides also additional resources for targeting diabetes prevention. We target \$100 million for diabetes. Diabetes is an illness that hits Hispanics disproportionately as well as African Americans. The importance of education school-based programs are critical in the screening activities in the area of diabetes. This is especially important in our Hispanic communities.

The targeted grant funds of \$100 million from our legislation would also provide support for those who would work in the community to help educate the community and individuals who suffer from diabetes to be able to deal with the issue.

Lastly, we would seek to reduce health care disparities by addressing the lack of providers who can provide culturally competent and linguistic appropriate care.

The bill provides for increased funding also for HRS health professional diversities. Let me just say that right now one of our problems, one of our difficulties is in the area of health professions, there is a real need for us to begin to prepare individuals in this area. We are still not producing the number of doctors that we need in this country. We are not producing the number of nurses that we need in this country. We are not producing the number of health professionals in this country. There is a disproportionate number of Latinos and Hispanics in the health professions. So we need to concentrate on making sure that we provide the resources in order for that to occur.

And as my colleagues know, the President, in his 2003 budget proposal, eliminated virtually all funding for these important programs that allow this opportunity. In addition to promoting the diversity that is needed in health care, these programs support the training of health professionals in the fields experiencing shortages.

I did not mention the area of pharmacy, dentistry, the allied health, all these areas promote access to health care services in medically underserved communities and there is a real need for us to do this.

The Congressional Hispanic Caucus also considers increasing funding for these programs as a high priority. As the Hispanic community continues to grow, the implementation of these provisions will take on an even greater importance. The consequences of inaction will be felt for years to come in greater health care needs, lower productivity, as well as higher rates of mortality and disability.

Let me take this opportunity to just indicate how important it is to make

sure that we come up and address these issues. I know the President is going throughout the country talking about another tax cut. The first year of his administration was spent on a \$1.3 trillion tax cut. That effort was basically spent on the first year. He then spent a great deal of effort on the war, and now he is spending a great deal of effort on taxes when, in reality, here we have a problem that we have chosen not to respond to; we have chosen not to address. This is a problem that our States are having that we could help with, not only with the budgets in our States throughout this country, but also help to respond and address the problems that confront us.

The proposal by the administration to take both the SCHIP program, the Medicaid, as well as the disproportionate share is a proposal that hits at the most vulnerable of this country. The disproportionate share is the money that goes to those hospitals, Mr. Speaker, that provide that care for those indigents that are out there. That money is proposed to be put into a block grant. The SCHIP program, as you well know, is the money that goes to the working Americans that are out there that takes care of the children in case they find themselves in need, and that program is also being proposed to be put into a block grant. And not to mention the Medicaid program, the most needy one, the one that goes to the most needy of this country, that helps those that are in most need and that helps hospitals and clinics for their reimbursement rates.

Those three programs are the ones that target the most needy of this country, yet those are the ones he wants to take and lump up into one block grant and send it out to the States and destroy the few programs that are out there that have been addressing some of the problems that exist.

The proposal to take both the SCHIP, the Medicaid, and the disproportionate share, those are the three most important programs that hit at the most needy of this country and the programs that provide resources for the hospitals to continue to provide that care. For us to put that into a lump sum and send it out is going to be devastating, especially if additional resources do not come to bear on the problem that seems to be getting worse instead of better.

Since the administration has taken over, the reality is that the number of uninsured has increased. And based on the numbers of the individuals that have lost their jobs, those numbers can only get worse as time goes on.

Mr. Speaker, I know the gentlewoman from California (Ms. NAPOLITANO) talked a little about mental health. I want to share this because a lot of time we do not talk about the mentally ill. Mental health is usually an afterthought, and it is an area we really need to look at and consider seriously. We quickly forget what hap-

pened at Columbine. We quickly forget the problems that we do have, a lot of homeless individuals out there, almost one-third to 40 percent of whom suffer from mental health problems. We still have a lot of homeless veterans that suffer from mental illness, from post-traumatic stress disorders.

Mr. Speaker, if we look in terms of what has happened after 9-11, what occurred not only at the Pentagon but what occurred in New York and what has happened throughout this country, we really need to look at this issue, because when people have experienced things such as that, especially those individuals at the Pentagon and in New York City, those individuals are going to be going through some stress. There is no doubt that some of them will go through post-traumatic stress disorders. So there is a need for us to concentrate on the area of mental health and reach out to some of our young people.

We do not concentrate in mental health with our young and we really need to provide some resources as well as some research in that area. We have too many young people committing suicide. We need to see how we can address that issue. Sometimes, basically, they use alcohol and drugs as a way of self-medicating when the real problem lies in the area of mental health problems. So as a Nation we really need to see how we can address those issues, and I am hoping that we can prioritize mental health as an important issue.

I know that we have filed some legislation on social work legislation that deals somewhat with this, especially right after Columbine, in looking at our young people and working with our schools, in reaching out to our communities in the area of mental health, to making sure that our community can cope and our youngsters can deal with situations.

In addition to that, Mr. Speaker, there are a couple of other issues I wanted to touch base on.

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Mr. Speaker, one is the area of AIDS. In the area of AIDS, we have found that we have made some significant strides, yet the numbers in the minority community have continued to expand. They have continued to grow. In that area, we need to go out and reach out. We have, especially in the Hispanic community, in the Latino community, we do not have the community-based organizations that other community groups have, and there is a real need for us to make sure that we try to address those needs. So we need resources in the area of AIDS to address those problems.

When it comes to communicable diseases, and we are hearing about the problems in China and those diseases, tuberculosis and other diseases, when we hear about those types of problems, we need to treat those, and we need to treat those worldwide. If we do not do that, those viruses will keep growing.

Unless we deal with those and attack those as quickly as possible, tuberculosis knows no borders. Whenever we travel in the global economy, we need to make sure that we treat those as if they were here because of the fact that they are communicable diseases. They are serious diseases that impact us, and there is no doubt that AIDS does kill.

It reminds me of a young man who said, I thought we dealt with the issue of AIDS and it is gone. It is still here, and it still kills. We need to educate our young people on the issue of AIDS.

On tuberculosis, in the late 1980s in the State of Texas, we were going to close the hospital for tuberculosis because there were no patients. We had basically defeated this disease, and yet now we have other strands that we are unable to deal with. The reason we have other strands is, number one, people did not take the medication appropriately and other viruses were able to survive and mutate; and the fact that we have a lot of homeless that were able to contract the disease and nothing happened, they were not treated the way they should have been. Now we have problems with tuberculosis once again, a very serious disease that has an impact on all of us.

On diabetes, it is an area that concerns me, and it should concern all of us. The majority of people that go blind is because of diabetes, and most of the time it is preventable. A large number of people who lose their limbs is because of diabetes, and a lot of times it could have been prevented. The quality of life of individuals, not to mention the cost, both to the individual and to the community as a whole when somebody loses their eyesight or their limbs, and so it becomes really important that we provide resources for prevention, that we provide resources in the area of diabetes.

I wanted to take this opportunity tonight to talk about some of those issues that we are extremely concerned about. In addition to that, tomorrow for the first time the Congressional Hispanic Caucus will also be having a day that we call El Dia de Los Ninos, the Day of the Children. Children's Day. It is usually celebrated in the Mexican community. I know Mexico celebrates it, and we celebrate it in Texas. It is a day that we celebrate as April 30, Children's Day. It is a day that we take time to honor our children.

Tomorrow we are going to be having some hearings on honoring our children, and I wanted to take this opportunity to honor our children tonight by also talking about the needs of our children. Members have heard the statistics in terms of the uninsured kids out there; but also our kids need access to some of the services in the area of mental health, as well as some of the preventive kinds of services. I wanted to take this opportunity to let the community know that tomorrow the Congressional Hispanic Caucus will be

having hearings and panels to talk about children.

Part of the discussion on children will be on the criminal justice system, the fact that we have a large, disproportionate number of our children that fall into the criminal justice system that we need to look at; and it is serious when we have an industrialized country such as ours. The numbers are just astronomical in terms of the numbers in our criminal justice system. We need to see what we can do to address the problem and how we can work with our children.

I also wanted to take this opportunity as we talk about our children to talk about the issue of Head Start. Head Start has been a program that has been extremely helpful. It has been a program that has been there for our children despite the fact that it only addresses 40 percent of the kids that qualify. It is a program that, based on most of the research that is out there, has been responsive and has really given those kids a head start on education.

So when we look at those programs that have been good for our kids and children, Head Start has been one of those programs. Head Start has been under the Department of Health because it is a program that works with our parents. So it helps parents in reaching out to the kids. That is also extremely important for us.

The administration is choosing to basically destroy Head Start and send that money to the Department of Education. The reason why we established Head Start was specifically because States have been unwilling to provide that early childhood education that was needed, and that is why we have Head Start, not to mention the Department of Education does not go into the areas of health as the Department of Health does. I would hope and we will continue to push forward to make sure that the monies for Head Start remain and with the Department of Health, and that the program remains with the Department of Health.

It has had its own boards throughout this country, and it has provided an opportunity for these youngsters to get a head start on education as well as a head start in the area of health, for parents to be educated about the importance of nutrition, about the importance of access to good quality care, as well as the importance of what they eat and do not eat.

So those issues are important for our children, and as we celebrate tomorrow Children's Day, we are going to celebrate and talk about some of the needs of our children. The Hispanic community, the median age is about 25.9. We are one of the youngest populations in this country, and it is a growing population. So there is a real need for us to concentrate on our young. Sixty-five percent of Hispanic children are under the age of 18 and live with both parents. So here we have 65 percent still live with both parents, which is a much

higher number than the rest of the population. So there is a lot of positives.

Hispanic kids, there is a great deal of positive when it comes to their attitudes towards family, their attitudes towards adults and their parents, and also their attitude in terms of the respect to elders. I think that we need to continue to honor them and recognize our children as an asset, and as we do throughout this country as Latinos, we recognize our children on April 30. Tomorrow we are going to take that opportunity. We call it El Dia de los Ninos, where we are going to have hearings and talk about some of the needs of our kids. As we talk about the needs of our kids, there is a study that will also be released, and it is called Suicide in Latino Children and Adolescents, and it is a very startling problem that talks about some of the difficulties that we are encountering, some of the areas of suicide where it was almost unseen in the Latino community, and that has been climbing.

One of the biggest problems in terms of death in this area is, number one, heart deaths. Suicide is number eight. In addition to that, there are still too many other items there that rank in terms of suicide rates. One of the rankings of the top States based on the suicide rates, Nevada is rated number one, Alaska number two, Wyoming number three, Montana four, Arizona five, New Mexico six, Oregon seven, Idaho eight, Utah nine, and Maine is number 10 in terms of USA State suicide rates.

It is important to see some of those States with kind of small populations, rural areas. It kind of throws off some of the stereotypes that we hear about. Suicide was the eighth leading cause of death in the United States, and responsible for 31,000 deaths, which was more than 50 percent the number of homicides in the U.S. I want to read that again. Suicide was responsible for 31,000 deaths, which was more than 50 percent the number of homicides in the U.S. In the same year, there were approximately 20,000 deaths by homicide. Each year in the U.S. approximately 500,000 people require emergency room treatment as a result of attempts to commit suicide.

There is a need for us to concentrate resources in the area of mental health. It is also important to know that the rate of suicide for various ages, gender, and ethnic groups has changed substantially. Between 1952 to 1996, a 44-year period, the reported rate of suicide among adolescents and young adults tripled; but yet from 1980 to 1996, the rate of suicide from age 15 to 19 increased by 14 percent, and among persons between the age of 10 to 14 years, it went up by 100 percent.

This area is an area that we really need to look at. I am hoping we do not have another Columbine before we concentrate attention. We lose attention right away after the incident occurs. We need to look at reaching out.

In that same light, and as we talk about the importance of access to

health care, I want to briefly touch base on our veterans. Especially after Iraq and after our soldiers come back, there is a real need for us to reach out to our veterans. Anyone who has that kind of experience has to go through some degree of stress, and a lot of our veterans suffer from post-traumatic stress disorders and so there is a need for us to concentrate resources.

I was extremely pleased when the House took the opportunity to recognize our troops in Iraq and we did a resolution. But that same day around 3 in the morning the following day, we also passed a budget that cut \$15 billion from our veterans affairs and from services to our veterans for the next 10 years. That kind of recognition of our troops and that kind of action does not reflect what we ought to be doing. We need to make sure and hold ourselves accountable to have the resources there for our veterans.

I am also disappointed with a lot of the games that are being played. It has been talked about that we are dishing out \$121 million to prepare our VA hospitals for them to prepare in case of a terrorist attack; yet that \$121 million comes from direct services. We really need to make sure that we provide additional resources. In addition to that, I am extremely disappointed also that at the same time we hold veterans and the administration accountable for terrorist attacks, and we expect the VA, which has one of the best health systems in this country with clinics and hospitals throughout this country, and it would be the best one equipped to respond, yet we have not provided the resources that they need in order to make that happen.

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And there are little games that are being played that, yes, provide the resources. The reality is that every single veterans organization has asked just for this year alone an additional \$3 billion, not to mention next year and the following year. Right now we need \$3 billion additional resources just to take care of our veterans here in this country. At the same time, we allow \$2 billion to go to the Iraqis people for health care. Of that, close to \$80 billion supplemental that we did.

It would be interesting for some of the Members here to look at what that \$80 billion is going for in Iraq, to build some of the schools when at the same time we have not taken the time to look at providing resources to build our own schools. It also provides resources to build up their hospitals when we have not provided our money and we are cutting our disproportional share for our own hospitals in country.

It just does not make sense, Mr. Speaker, and it does not make sense for the President to go around this country to talk about the irresponsible tax cut when the money is not even there and we have not taken care of our debt. We need to take care of our debt. We need to pay for this war. We

have got to make sure that we provide for our veterans. We have got to make sure that we provide for our future, which is our kids, and we have got to make sure that we provide access to healthcare for all Americans who find themselves in that difficulty.

It is embarrassing to be here and say that we have the best healthcare in the system; yet it is unaffordable and inaccessible to the majority of Americans when 41 million find themselves without access to insurance. That is un-American, and we really need to ensure that we can make it accessible to all of them.

As I conclude here tonight, I want to just indicate how important it is for us to refocus our attention in the area of healthcare. We need to make sure, and I appeal to all Americans, that we need to put people, both Republicans and Democrats, on the line on the House, on the Senate, and those in administration, to make sure they do the right thing for our seniors when it comes to prescription drug coverage. We have not done that. We have had a lot of talk, but there has been nothing. And people have asked me back home and they continue to ask me "Mr. RODRIGUEZ, what are you doing on healthcare?" And I tell them the problem is the President is interested in a tax cut. If that happens, there is nothing else to talk about when the budget predetermines everything. So we need to make sure we zero in on the issues of healthcare and addressing the problems. And we get elected to address problems and we are expected to address those problems.

So I am hoping that we, at some point, begin to not only dialogue about healthcare, but address the problems. I am sure the administration, when the election year comes around, he is going to talk a great deal about healthcare. But the key is what are we doing about it? What kind resources are we putting into it? Because the bottom line is we can say everything we want to say, but what have we done? So when all is said and done, I would ask that we hold all the Congressman and all the Senators accountable, as well as the administration, including myself, as to what we have done to basically solve the problems that confront our communities with the uninsured that we find in this country.

IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. BURNS). Under the Speaker's announced policy of January 7, 2003, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes as the designee of the majority leader.

Mr. TANCREDO. Mr. Speaker, I rise tonight to point to a couple of issues that I think deserve our attention. As I do on many occasions, I come here to address the issue of immigration and the reform thereof.

I would like to start tonight with a discussion of a couple of people that I

met not too long ago when I was on a trip to Arizona, and specifically, to the border area around Douglas, Arizona, and I want to add them to the list of people that we have identified over the last several weeks and months as belonging to who we have described as homeland heroes. They are George and Linda Morin. They own and manage a cattle ranch of 12,000 acres, located only 4 miles from the Arizona/Mexico border. Their ranch house is only 5.5 miles from the border.

They have one son, 26, who lives on the ranch and helps run the business. George Morin's grandfather came to America in 1908 and bought a dairy farm in southern Arizona. He speaks Spanish and has a half brother living in Mexico. After living 54 years in this border region, he knows both sides of the border very well.

Beginning in the late 1980's, things began to change along the border, and we heard this refrain often. We heard this same thing from almost everybody we talked to there, and most of the people who live in this area have been living there for generations, and they have witnessed the phenomenon of immigration over that period of time. They have witnessed people coming across the border looking for jobs, people that they have befriended, people they have aided economically, and this has never really been a huge issue for them except in the last 10 or 15 years.

George and Linda noticed a steady increase in the number of illegal aliens crossing the border and coming across their land. Over the past 5 or 6 years, this flow has become, as they put it, a flood. They run a large cattle ranch as a family business, and it is a lot of very hard work. Drought, cattle diseases, volatile market prices for beef cattle, all of these make cattle ranching a tough business in the best of circumstances. The massive flood of illegal immigration across the border has brought many more hardships. Among the recent experiences, consider the following: The waterlines that carry water to their cattle have been cut and broken so many times that they have lost count, and again, by the way, this is a complaint that we heard over and over again. Water in this part of the world of course, in this part of the country, is very valuable, and it is something that ranchers depend upon for their existence, frankly, and the people coming across the border, for reasons that are sometimes difficult to explain, oftentimes vandalize these waterlines, vandalize the wells, even though many of the ranchers will leave out cups for these people so they can drink from the well and not do anything to harm it, but they do anyway.

The same thing goes for cattle fences. Repairing cut fences is now a routine task, and we saw hundreds of miles of broken-down fences along the border. Electric switches for water pumps are often jammed or vandalized. The Morin ranch has lost 8 cattle in the last year to death by eating plastic

trash bags that trespassers drop as they pass through the land. This is also a site that is all too common throughout this particular area. There are occasions throughout the Southwest, and especially in southern Arizona that are referred to as pickup sites. These are places where large numbers of illegal immigrants will gather for the purpose of getting a ride eventually, because these places are often near roads, sometimes highways, but they are often on private land, sometimes on public land, but they are places, as I say, in which large numbers of these folks will gather.

When they gather there and they start to undertake the next part of the journey, they discard everything that they have been carrying because the coyotes, the people who bring these people across, tell them that there has to be a lot more room in the trucks so they have to discard everything they have, and they throw everything in these pickup sites. We walk through them now, and they really are similar to large refuse piles, dumps essentially. I have, sometimes not so facetiously, referred to many of our parks in the area, the Cactus Pipe National Park as the Cactus Pipe National Dump because of the way it appears, and the trash is everywhere and these plastic bags are everywhere, and the cattle eat them and die. Trash left behind by the thousands of trespassers are not only dangerous to the cattle that eat it; it is despoiling the land and environment in numerous ways. In one day, Mr. Morin collected 42 syringes left by one group along with discarded drug containers.

All of this goes on, by the way, in plain sight. It is something that if the media would pay attention to, certainly there would be an outcry. We wonder why there is not an outcry from groups like the Sierra Club and Friends of the Earth and various other environmental organizations that often raise Cain about the despoiling of the land, but seldom say a word about this particular problem because of course it is connected with illegal immigration, and therefore a topic not willing to be discussed by these left-wing observations.

We wonder how many people are coming across. Do they see these people? Do George and Linda, his wife, see them coming across? How many do they see? Can they actually identify people who are coming across illegally? And of course, that is very possible. Two years ago George Morin woke up to some noise at about 5:30 in the morning. He discovered a virtual army of 600 trespassers walking through his ranch within eyesight of his ranch house. He called the border patrol. They did come this time and loaded 297 people onto buses and took them back to the border patrol station for processing. About half of the 600 got away, scattered to the hills, trails before the border patrol could load them onto buses. Sometimes these folks coming across the land get lost or they are

abandoned by the coyotes. Again, these are the people who are paid to bring them into the United States.

It is common for ranchers and border patrol agents to hear from a group that their coyote pointed them to the lights in the distance and told them there is Phoenix. Maybe it is Tucson or maybe it is some small town only about 40 miles from the border.

One Thanksgiving morning 4 years ago, George and Linda Morin woke up to find about 80 Iranians walking across their property right in front of their house. The border patrol agents who took them into custody said that they had been told by their coyote that they were only 10 miles from San Diego. Only last Thursday, April 24, 90 illegal aliens were caught walking through the grassy expanse of the U.S. Army's Fort Huachuca near Sierra Vista, Arizona. The military police caught them and marched them to the fence where the border patrol loaded them onto vans.

One thing that is important to understand is this, as I mentioned earlier, is a new type of phenomenon. We have always had illegal immigrants coming across the line, but we have seldom had this happen in the numbers that we are witnessing today and/or in ways that are so organized. It is no longer just a few people coming across looking for jobs.

It is now a very well-organized effort, a very well-organized activity conducted largely by people who have heretofore been involved with drug smuggling into the United States. Because it has become very lucrative, that is why the drug cartels have become interested in this business. They are paid between \$1,000 and \$1,500 for a Mexican national to come into the United States illegally, but costs for a Middle Easterner or an Asian will get to about \$30,000.

So there is so much money now in people smuggling that it rivals drug smuggling into the United States in terms of just the sheer volume in both human beings and in dollars.

If they are poor and they want to get smuggled into the United States, they do not need to come up with the ongoing price of \$1,000 to \$1,500 to get the help of professional people, smugglers. One can now be smuggled into the United States on the installment plan. It is happening this moment on a very large scale. It is widely understood by the border patrol and law enforcement agencies in the west. What happens if one gets to Phoenix or Los Angeles or Omaha and do not make their promised payments? Some very bad things happen.

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Only last week, two illegal aliens who had made it to Phoenix were killed by members of the Mexican gangs that had smuggled them into the country. They were killed because they did not make their mordita payments. This is now a "travel now, pay later" business.

But if you cannot pay, it is "travel now, die later."

Not only have the numbers of nationalities of people coming across the land changed over the last 10 years, but the character of the people and their attitude has also changed. Twenty years ago it was not uncommon to encounter illegal aliens on the ranch who would ask politely for a drink of water or ask for directions. Ranchers were normally cordial and often did not report the trespassers if they were in small groups or posed no immediate threat.

In the past decade, this has changed because the groups are larger, more aggressive. Part of this change is due to the increase in drug smuggling. The people who are transporting drugs across the open rangelands are usually armed and dangerous. They do not want any interference, and they will usually take what they want and not ask for it politely.

One recent trespasser George Morin encountered was angry because he had been caught and was being turned over to the Border Patrol. He told Mr. Morin, You don't belong here. You are in Mexico, and you don't know it. We are going to take it back and you will be gone.

This man is not delusional. He was deadly serious. He was voicing a goal of a small and radical movement within Mexico and the Southwest that looks forward to what it calls "Reconquista." This is the reconquest of the lands Mexico lost to Texas in 1836 and to the United States in the Mexican war of 1846.

There is a larger and more persuasive movement that is more powerful and very influential. The changes this movement seeks, in my opinion, pose a threat to our civic and legal institutions that provide the foundation for our freedom. I am talking about the multiculturalist movement.

This movement is very political and politically correct. It becomes very influential in our universities, our public schools, our foundations and our mass media. The problems raised in this movement go far beyond the immediate concerns presented by illegal immigration; yet the two sets of problems tend to reinforce each other.

Many of these problems created by large numbers of illegal immigrants are exacerbated by the diversity movement because of the many proponents welcoming illegal immigration and opposing measures to controlling it. So I want to speak to that issue tonight.

Over the past several weeks, I have tried to deal with the issue of immigration reform in a variety of contexts. We started off talking about the problems with porous borders and what that means to the United States, especially in terms of our own national security. We talk about the economic impact of massive immigration of low-skilled, low-wage people. That was another segment. We talked about the environmental damage.

We spent 1 hour here talking about just this one aspect of it, the environ-

mental damage that is being done by the literally millions of people coming across our southern borders, both walking and driving through pristine land, destroying some of the most beautiful and important national monuments.

All of this, as I say, is happening without the attention that would normally be focused on that kind of activity by the environmental groups in the United States. If it were done any other place, any other way, any other time, you would have hell to pay. The environmental groups would be just going crazy about the fact that we are destroying so much of our natural environment. Yet nothing is said about it here because we are talking about illegal immigration, and nobody wants to touch that subject.

This is a chart that describes what is happening in the United States in terms of population growth. By the year 2100, if we do absolutely nothing, if things continue as they are today, if the numbers increase as they are from the sources that they are occurring today, here is what happens. We reach a little over half a billion people in the United States.

The fact that we get there via immigration and descendants of immigrants is the important point here. It may be a very good thing. It may be very positive for the United States to have population growth of this nature, so dramatic and so important in terms of many things, including the economy. People talk about the need for growth in the economy, so maybe it is a good thing. Maybe this kind of growth is good.

It is important to understand that this growth is not coming as a result of the natural birth rate in the United States; it is coming as a result of immigration. So we have to make a decision as to whether or not this is where we want to be in 2100.

Again, this is if it just stays at the same level. This is all U.S. census data here. This is not something we are interpreting. This is where the U.S. Census Bureau tells us we are and where we are going and how we are going to get there.

Mr. Speaker, we can go back to the one part we talked about in terms of immigration reform and what this really means in terms of the environment, the impact on the environment. I come from Colorado, and I will tell you that things have changed pretty dramatically in my State over the last several years. The increase in the State's population has been dramatic. All of the infrastructure costs that go along with massive increases in people are, of course, prevalent, and they are to be paid for by the taxpayers of the State of Colorado.

This is happening not just in Colorado, but in States all over the Nation. But where is this growth coming from? Again, I want to emphasize, it is not the natural growth rate of the country.

It is a growth rate made up of immigration and the descendants of immigrants.

Again, this could be what we want. It could be absolutely where we want to be, so that pretty soon it is much more difficult to get through on congested highways, to visit the national parks, to experience that pristine wilderness that we have all enjoyed. But maybe that is all worth it. Maybe giving all of that up, maybe, is worth it, because the economy demands this kind of population growth rate.

But what we do not talk about and what I want to focus on tonight is the effect of immigration, of two things, and this is very important to discuss tonight or at least pay some attention to.

It is not just immigration that poses a cultural threat to the United States. Heaven knows that this is a Nation of immigrants. We have talked about this over and over again. We are all here because somebody in our past, some grandparents, great grandparents or however far back, decided to leave wherever they were and come here. I do not care if you call yourself a Native American. The reality is somebody many, many, many generations ago came across a land bridge from Asia to what we now call America. So all of us came here as a result of somebody making a decision to leave someplace and come here.

This has been a source of great strength for the United States. It is something to be enjoyed. Diversity is a good thing. I am not arguing that point.

By the way, this level of immigration, this rate of immigration, is something far greater than anything we have ever experienced in this Nation. It is far greater than what we experienced in the 1900s when in fact my grandparents came here. The numbers are huge.

Now, this does not even account for illegal immigration into this country. We talk about the fact that there are, we do not know for sure, maybe between 13 million and 20 million people in the country illegally. That, combined with all the people who have come into the country legally because we have now expanded our immigration and opened our immigration doors wider than ever in the past, all of these things can be positive.

I am not saying that we should slam the door to all immigration. Certainly not. But what I am suggesting is it is important for us to review as a Nation the connection between massive immigration into the country and something else we call multi-culturalism, this sort of rabid multi-culturalism.

What do I mean by that? Multi-culturalism is a philosophy that permeates our schools and society in so many ways, and it says essentially this: there is nothing unique about American culture. In fact, if there is anything noteworthy about American culture, or Western Civilization, it is

that it is bad. It is that it has been a culture developed on the backs of slaves, and that all the people who created the American dream were slave owners, people who came to pillage and rape the land. That is what we teach children about America and that there is nothing unique about America; there is nothing special, there is nothing that we should sort of glom on to and maybe disconnect from in terms of where we came from. This is the problem. This is a very serious problem in this regard.

The combination of these two things, massive immigration and this rabid multi-culturalism that tells people there is nothing unique about America, and that if you come here you should probably not only not integrate into our society, but you should in fact keep separate, keep a separate culture and keep a separate language.

We go to the extent of spending billions of dollars every year to teach children in our public schools in languages other than English. I think that this is a dangerous phenomenon. I think that we can handle immigration into this country, and always have; and we can do so because people coming into the United States, people coming here were, for the most part, coming from something else and to connect to a new idea. At least that is what my grandparents always said.

My grandparents came here around the turn of the 20th century, and I can remember very distinctly my grandmother telling my grandfather all the time, Speak American. Speak American. There was this implied and sometimes not so subtly implied desire on their part to really Americanize themselves.

I think of that when I think about a lunch I had not too long ago with a gentleman in Colorado, his name is Gomez, and he happens to be a Catholic bishop. Bishop Gomez asked to have lunch and discuss this issue of immigration, because he knows I am quite concerned about it. He knows I talk about this issue an awful lot here in the Congress of the United States, and he does not agree with me. So I certainly agreed to have lunch with him.

He said something that I found very illuminating in the course of our luncheon. He said, Congressman, I don't know why you are so worried about all of this immigration from Mexico, let's say. He said, You know, they don't want to be Americans anyway.

I thought that was just an amazing statement. He said, Don't be worried.

He thought for some reason or other I was worried that these people were coming into the United States to become Americans, and I did not want them to. Of course, it is exactly the opposite. I explained to him that was exactly why I was worried about massive immigration today. It is a different thing.

Mr. Speaker, we have argued about this issue since our Nation's inception.

People have come to this floor over the past 200 years to talk about concerns about the newest wave of immigrants from someplace else and how that might affect America or whatever, and I do not mean to suggest that these old arguments hold water.

I am not talking about the simple fact of immigration, although it has, as I say, implications. Regardless of whether or not it was connected to the multi-culture issue, it has implications for many things just because of the numbers, which are far different than it ever was before.

But regardless of that, there is something new that is happening, and that is what I keep harping on, that is what I keep trying to bring to the attention of anyone who will listen, that there is a different immigration pattern today, and it is, as Bishop Gomez accurately described. He said, They don't want to be Americans. That was his comment, an exact quote: "They don't want to be Americans," so I should not worry.

They are only coming here for economic reasons, to escape poverty, the same reason my grandparents came, for the large part, and many others, to escape poverty and the blight of their history and the past.

But I am telling you that there was this other aspect to that immigration of past years, this one thing that said, I want to disconnect from that old way, from those old ideas, from that bankrupt history. I want to connect to something brand new in the United States.

□ 2045

I wanted to become part of it. This is showing itself in a number of ways.

When my grandparents came to this country, they no more would have thought about the possibility of having a dual citizenship status than they would fly. They really wanted, as I say, to disconnect from the old country. They came to the United States, and they took an oath of allegiance, and they swore to end any allegiance to any foreign power or potentate. That is the same oath that people take today, but something else is happening. In about 1947 or 1948, the United States decided to allow people to have dual citizenship. Now, we did that primarily because of what was happening in Israel at the time; Palestine, later to become Israel. And there were maybe at any given point in the last 50 years, up to the last, let us say 10 years, there were maybe 100,000 people in the United States, according to our research, maybe 100,000 at any given time holding dual citizenship. Now, something has happened. Something brand new is occurring that reflects, I think, the problem that I have just described with this concept of multiculturalism, the lack of any desire to attach themselves to any American experience, if you will, and to retain political and cultural ties to the country of origin.

About 2½ years ago, Mexico allowed their citizens to actually have dual

citizenship, something they had never done in the past. And they also began to encourage, this is over maybe 5 or 6 years, they began to encourage a large flow of Mexican nationals into the United States, which created the kind of problems that we talked about here with the Morins on their ranch because they had never seen this kind of thing before. As I said, they had lived here for generations, but they had never seen the kinds of problems that they are seeing today, the numbers that are coming across, in this case from Mexico. And the fact is that this kind of combination of events where Mexico is encouraging the movement of people into the United States, allowing people to take dual citizenship; this is having an interesting effect here in this country.

For instance, we now think that there are between 6 million and 10 million people living in this country who claim dual citizenship. This is an interesting new phenomenon. Is it worthy of our discussion here? Is it something that anybody thinks is interesting, relevant, important? What does this mean? What is the effect of having this many people in this country with divided loyalties? And that is really the only way that one can describe it. I think Teddy Roosevelt said, we can have no 50-50 Americans. Either a man is an American and nothing else, or he is not an American at all. Teddy Roosevelt.

The idea that we have so many people clinging to other citizenship, clinging to other countries politically is, I think, a little bit problematic. At least it is worthy of our interest, our debate. Yet it is something we hardly talk about. Certainly it does not come up in this body very often. Nobody wants to really push this issue for fear that we will make someone else a little bit upset with us, that we will insult somebody else, some ethnic minority in this country, some dual citizen, some "something" hyphenated American or something that will offend them. Well, I would suggest that we should not worry about that kind of offense; we should talk about it because it is meaningful in this country. It is important to understand what is happening here.

I want to go back for a moment to what I was talking about in terms of the difference that is occurring and the whole concept of what it means to be an American, how that is fading away, how difficult it is now to actually define this idea, this "concept America."

When I was a child, when I was growing up in Denver, Colorado, and attending St. Catherine's Elementary School and, later on, Holy Family High School, I was taught about my heritage, who I was, and what my history was; and if someone would have asked me then, if someone asked me now, what is my heritage, I would say it is American. Who are my heroes? Who do I look to in my history and the history of who I consider myself to be from a

heritage standpoint? I would say Jefferson and Lincoln and Washington and Adams, because I connected directly to that, even though I am a relative newcomer to this land. My ancestors did not come here on the Mayflower. But I connected to America, because that is what I was taught. I was taught by my parents, I was taught by my school that that was my heritage; that I was here now, and that this was the American ideal to which I was to aspire. And I did.

I would challenge people today to go out and ask a child, ask a student, almost any school in America what it means to be an American. Define that term: American. And I think many people would have, many students would have a very difficult time in doing that today. They have been told, frankly, that it is not a very good term, that it really does not, and it should not be used to signify something select and different and unique, distinct.

Not long after 9-11, the National Education Association put out a list of suggestions for teachers and for parents as to how they should address the issue of the attack on the United States on September 11. In not one word of about a 3- or 4-page little program that they distributed did they talk about the uniqueness of America, the importance of defending this Nation. The entire little descriptor was to tell people, tell parents and tell children that they should not think about these people who attacked our country in negative ways; I should say, they should not use the attack to cast aspersions on any group or any organization, and that there are many bad things in America that we have done, and that maybe we even actually sort of brought this on ourselves. Well, an ex-President of this country, and I am feeling a great deal of comfort in actually saying ex-President, for me anyway, Bill Clinton, was speaking at a university, I think it was Georgetown, and he said essentially the same thing. He said that the reason why we were attacked is because of slavery and the way we treated the Indians. I mean, this is the most incredible stuff. But this is what we are teaching our children about America.

Now, this is, I think, dangerous stuff. It is reflected in other ways. It is reflected in other ways. I look at the way in which the media has portrayed, for the most part, I guess, I should say the media, a large part of the media has portrayed the conflict in Iraq. I could not help noticing, I was in Europe last week, or the week before last, and I was watching, I think it was CNN International, and it was fascinating because they could not report a single story without some sort of twist they could add to it that they could characterize as anti-American. Every single event in Iraq, no matter how difficult it was to describe in this context, they managed to do it.

They are not unique in that. I think many, many aspects of the American

media one could describe as being overly sensitive to the other side's attitudes, opinions, and ideas, overly critical to American interests. And this is what I am talking about. We cannot even report stories factually anymore. We have to couch everything in this sort of multiculturalist light so that no one might come to the conclusion that there is anything better about, let us say, the United States and Western Civilization than any other civilization or country. And that is why it was so hard for many members of the media to really analyze this issue objectively and report it objectively. They are stuck in this multicultural miasma. And they are, of course, helping to expand and to incorporate that kind of thinking into American schools and American thought.

I realize I am walking into somewhat uncharted waters here, and I want to make some very important distinctions. When I talk about multiculturalism and the problems I see in it, I am not talking about cultural diversity that brings into our society the music, the poetry, the art, dance from different cultures of all continents of the globe. Certainly our Nation has been enriched and continues to be enriched by these contributions. I am not talking about people of other nations bringing their language, religion, continuing to practice their religion in our free society. The freedom of religion is, of course, one of the most cherished liberties we have and must remain so. I am not talking about new immigrants who continue to speak their native language in their homes and want to pass it on to their children as part of their biethnic heritage. What I am talking about is the current politically motivated drive to enshrine, enshrine diversity as a goal that requires and demands a change in our fundamental values governing our civic institutions.

What the advocates of this new diversity seek is a kind of reverse assimilation who want American society to assimilate and adapt to the values of other cultures. An example of this political drive is to establish bilingualism as a national standard for official business in government operations and commercial life. Previous generations of immigrants expected that their children would learn English. As I mentioned, my grandparents demanded of my parents and of us, demanded that we learn it as quickly as possible. Only in the recent past have we seen a political movement that seeks to perpetuate a parallel culture that does not speak English and thus cannot participate fully in the mainstream of American life. There are schools in States throughout this Nation, in cities throughout the country, where children can actually spend years and, for a while, one could actually go 12 years to a Denver public school and never be taught in English.

I believe that the demand and push for manufactured diversity in every

facet of our lives has a political motivation. Its purpose has nothing to do with toleration of other cultures. Our Nation has historically been the most accepting, most tolerant people on Earth; and this has not changed, nor should it. But Americans could and did accept millions of immigrants from diverse cultures precisely because we had a set of institutions and a set of civic values that all of the new immigrants were expected to adopt. In doing so, immigrants did not give up their language, their music, their religion. They became Americans in certain essential ways that allowed them to assimilate into American life and enjoy the benefits of liberty. I am gravely concerned that our recent and current immigration is not of the same character as our historic immigration and that the impact and effect will be to weaken our civic culture and our political institutions that guarantee life, liberty, and the pursuit of happiness.

I will give a concrete example of this changed character of our recent immigration and especially the impact that can be expected from granting amnesty and citizenship to millions of illegal immigrants.

□ 2100

I speak now of the matter of a divided loyalty and a growing acceptance, as I mentioned earlier, of this dual citizenship. Do Members think it is a mere accident or happenstance that the oath of allegiance taken by every one of the tens of millions of naturalized American citizens who had passed through Ellis Island over the last 150 years contains the words "I hereby renounce and abjure all allegiance and fidelity to any foreign prince, potentate, State, or sovereignty of which I have heretofore taken the subject or citizen"? These words explicitly and unabashedly require new citizens to give up any loyalty to the foreign country.

I have oftentimes, perhaps not so often, but I have certainly spoken to immigrant groups coming into this country. I have gone to citizenship ceremonies where people take the oath of office, new immigrants to the United States.

I have gone there and said to them, first of all, I want to tell you welcome to the United States. Secondly, I want to tell you, thank you for doing it the right way. Thank you for coming here, working through the process and doing it legally. I also want to tell you how important it is to now adopt a new life around a set of ideals that we can share, that we have in common.

I want to encourage that. I do try my best to encourage that. I say this because I want to reemphasize the fact that I am not opposed to immigration, but I certainly believe that it is in desperate need of reform.

I think another way to describe what is happening, besides using the word "multiculturalism" is to talk about the people who have developed what is

called a cult of ethnicity. It challenges the idea of what it means to be an American.

There are major implications to this phenomenon. I have talked about, to a certain extent, the problems we have when we do not encourage people, Americans, especially our children, to understand and to believe that there is something unique about America worthy of their allegiance; not to be chauvinistic, necessarily, but to simply understand the basic reality of the situation.

That is this, that western civilization has provided the world, certainly America, with the infrastructure that has enabled us to actually grow the greatest, I think, civilization on Earth. Now, that is a personal observation; but I think it is empirically provable, also, that there is something better about what we have.

I am proud of what we have. I am proud of being a product of western civilization. I am proud of the infrastructure. I am proud of the principles that we embody in this organization we call the Congress of the United States. I am proud that we have an adherence to the rule of law. I am proud that we believe in and strongly defend the right to pursue our own religion, to speak openly about our feelings about government.

All of these things really are an aspect of and a product of western civilization, and they are worthy of our allegiance and worthy of things we should tell our children about, and that we should encourage them. If we do not, we will find ourselves lacking in a number of ways. We especially will find ourselves in a dangerous situation when this civilization is, in fact, threatened, as I believe it is today.

Now, this gets me into an even more, I guess, controversial arena than what I have spoken of up to this point, if that is even possible. I believe that what we are witnessing throughout the world is, indeed, a clash of civilizations, and I believe western civilization is threatened.

I think the major threat today comes from something that we can refer to as radical Islam; not the religion of Islam, but it is the religion married to a political philosophy that says that all other people on the Earth have to be annihilated, abolished, eliminated.

Now, this is a clash that we have seen actually for centuries. It is not new, this confrontation. This conflict has been going on, as I say, for centuries. It peaks; it goes down. There are times of a great deal of activity, and times when there is not a lot of activity around this thing. But it has been going on for a long time, and it goes on even today.

It is important to understand this, because what it means is this: that it must be fought. If we are going to defend western civilization, it has to be fought with force of arms, as we have witnessed in Iraq and Afghanistan. It also has to be fought in the world of ideas. It has to be fought with ideas.

Western civilization rests upon certain ideas and ideals. They, in fact, need to be taught to children and to adults.

I was a teacher. I taught for 8 years in the Jefferson County public schools. I taught civics. I will tell the Members that very, very few children ever come to school with an innate appreciation of certain things like art, music. They need to be taught. They do not just wander in the door thinking, you know, I just feel something really good about Mozart or about Picasso. We have to teach children. We have to teach people about the value of these things to get them to appreciate them, more often than not. Some people may have that gift, but most of us do not.

Likewise, children do not come to school with an innate appreciation for western civilization or what it means to be an American. They have to be taught. When we abandon that and we offer it up on the altar of multiculturalism, we risk a great deal; especially when, as I say, there is the threat to the system.

Now, anybody can feel sort of a visceral response to somebody driving a plane into a building and killing 3,000 of our citizens; driving a plane into the Pentagon and killing a couple hundred of our fellow citizens there; crashing a plane into Pennsylvania that was destined for this spot.

Anybody can get a visceral reaction to that and say, yes, I want to confront that and punish whoever did that. That is fine. It is fine if, in fact, that conflict only lasts a short time, and that we identify the culprit and we take care of business.

But unless Americans understand that this is a long-term prospect, that this is a long-term conflict; and that it is not just with a segmented chunk of society. It is not just with a group we call al Qaeda or a group we call the Taliban or an individual we call Osama bin Laden, or another individual that we call Saddam Hussein.

Unless we realize that it is something broader than that, something bigger than that with which we are in conflict, Americans will lose heart for this conflict because they do not connect it to anything bigger than an attack on the Pentagon, an attack on the World Trade Towers.

This is why I say that this is an important issue for us to discuss as Americans, and understand that there are cultural ramifications to massive immigration when it connects with this rabid, bizarre multiculturalist philosophy which permeates America.

There was a book written not too long ago by Arthur Schlesinger, Jr., certainly someone that I would not have thought before I would have found myself having a common ground with, but he wrote a book called "The Disuniting of America." I have liberally excerpted from it for tonight's discussion.

He says, "The historic idea of a unifying American identity is now in peril

in many arenas: in our politics, our voluntary organizations, our churches, our language."

What this esteemed historian saw as peril in 1991 is even more evident today in confronting the question we are, in fact, confronting, the most fundamental question a nation can consider as a matter of national choice and deliberation: what is America? What is America?

This question is not one that has been created by illegal immigration. We would confront this question sooner or later, even without massive illegal immigration into the country. Nor is the question now more urgent because the levels of legal immigration has far surpassed historic levels. The additional numbers of immigrants brought to America by our immigrant policies no doubt exacerbate the problem of national identity, but they have not created the problem.

What has created the problem is the influential ideology of multiculturalism discussed so eloquently by Arthur Schlesinger and accurately described by him as deeply hostile to our historic ideas of assimilation.

Now, remember, Mr. Schlesinger is not a conservative. He is not or he cannot by anybody, I think, be called names like ethnocentric or any of the other epithets that are thrown at people who suggest that there is a problem with multiculturalism. He has lifelong liberal credentials and is a liberal scholar.

On July 4, 1915, President Woodrow Wilson spoke in Philadelphia at a mass naturalization ceremony. On that day, at the President's behest, all members of the cabinet and other prominent members of our society spoke at naturalization ceremonies across the Nation.

As we all know, President Wilson was an idealist in matters of world politics and a liberal reformer in domestic policy. But on that day in 1915, he spoke for all Americans when he told the new citizens assembled to take their oath of citizenship:

"I certainly would not be the one even to suggest that a man cease to love the home of his birth and the Nation of his origin. These things are very sacred and ought not to be put out of our hearts. But it is one thing to love the place where you were born, and it is another to dedicate yourself to the place to which you go. You cannot dedicate yourself to America unless you become in every respect and with every purpose of your will thoroughly Americans. You cannot become thoroughly Americans if you think of yourself in groups. A man who thinks of himself as belonging to a particular national group in America has not yet become an American, and a man who goes among you to trade upon your nationality is not worthy to live under the Stars and Stripes."

I firmly believe that we desperately need to reaffirm the principles of citizenship and of American identity if we

are to survive as a free people in the 21st century. I believe this is not just a fear of immigration. As a son of immigrants, I welcome and support immigration.

What worries me is that the nation our new immigrants seek to find at the end of their journey may not be the nation of their dreams and grand ambitions. If we are to remain true to our history, we must also remain true to our destiny. It is not that of a vague and confusing collection of ethnic groups or religious sects; our destiny is to continue as the land of freedom and opportunity, a beacon of hope for all the world's oppressed.

To succeed and find that destiny, we must renew the bonds of citizenship and the values and institutions that nourish and sustain those bonds. This ideology of multiculturalism does not understand this. In fact, that movement is at war with the very idea of America as it was understood for 200 years.

But most Americans do understand it and do want to strengthen it; at least I hope that is true. With the help of the good people of this Nation, we will prevail. But we will not prevail unless we are willing to at least confront this issue, no matter how uncomfortable it is for us to talk about, no matter how challenging it is.

It is undeniable that massive immigration combined with a multiculturalism philosophy in this country has ramifications. Some here, some throughout the country, may believe those ramifications are positive; I believe that, for the most part, they are negative.

□ 2115

I believe that the leadership of this Nation must begin a discussion with America. When I say leadership, I mean it in the way of renewing a commitment to the idea of America on the part of all the people who come here and on the part of all the people who are here. Is Western Civilization, as epitomized by the American experience, is it worth saving? This is the question we must pose. And in order for anybody to answer it accurately, they have to have all information available to them.

We have to teach children about its value along with its warts. It is important that we do not gloss over the inequity, that we do not discard as part of our text any discussion of slavery or any of the issues that we know to be negative in our history. They have to be discussed and understood in order to be overcome. But why is it not equally as important to discuss the factual positive elements of Western Civilization and what it has brought to the world? Why is that so scary to the academic community, to the media, and to the pop culture? Why is it so comfortable for members of the pop culture, the people in television and in movies to stand up and criticize, only to criticize, what it is to be American

when they reap so many of the benefits of Western Civilization themselves? How hypocritical it is for them to do so. But how comfortable it is for them to do so. How easy it is for them to do so.

Is it not intriguing that if anyone were to stand up, especially in the world of Hollywood and such, how difficult it is for anybody to stand up and be patriotic Americans, say things that reflect a true love of the country? I mean, this was not always the way. In the 1940s and the Second World War, Hollywood was looked at as a bastion of patriotism. The movies they put out were patriotic in nature, and it was not looked down upon to express those feelings.

Something has changed dramatically, and now people who do, people who exist in that medium are afraid to actually express those sentiments for fear they will be shunned by their peers. What has happened that has allowed this to occur? Well, I suggest to you that it is time to regenerate a discussion of American principles and ideas; to make everybody, our children and adults, understand the importance of those ideas and ideals; to expect from immigrants coming to this country that they want to be Americans, and to come here for any other reason is not acceptable. To come here simply to achieve economic goals, but to hold allegiance to other countries both politically, ethnically, and linguistically is not acceptable. It is not acceptable because it will sap the strength of America. It will sap our ability to be successful in the clash of civilizations. It will lead to our demise. And that is why I take to the floor as often as I do to talk about this issue, immigration.

It is far, far more significant than just the issue of jobs or low-skilled, low-wage people who have to come to the country and we have to build highways and we have to build schools. And all of those things are true and all of the problems we have with population increases that are as a result of massive immigration, those things are real and they have to be dealt with. But it is even more important than that; it is far more important than that. It is far more important than that. It goes to our very existence.

Massive immigration in this country will determine not just what kind of a Nation we will be, but whether we will be a Nation at all.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BECERRA (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. HONDA (at the request of Ms. PELOSI) for today and April 30 on account of personal reasons.

Ms. MCCARTHY of Missouri (at the request of Ms. PELOSI) for today and the

balance of the week on account of personal reasons.

Ms. SLAUGHTER (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. RODRIGUEZ) to revise and extend her remarks and include extraneous material:)

Ms. CARSON of Indiana, for 5 minutes, today.

(The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:)

Mr. PAUL, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today, April 30, and May 1.

Mr. RAMSTAD, for 5 minutes, April 30.

ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 145. An act to designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 258. An act to ensure continuity for the design of the 5-cent coin, establish the Citizens Coinage Advisory Committee, and for other purposes.

H.R. 1559. An act making emergency wartime supplemental appropriations for the fiscal year 2003, and for other purposes.

H.R. 1770. An act to provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on April 14, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 1505. To designate the facility of the United States Postal Service located at 2127 Beatties Ford Road in Charlotte, North Carolina, as the "Jim Richardson Post Office".

H.R. 1584. To implement effective measures to stop trade in conflict diamonds, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 15, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 145. To designate the Federal building located at 290 Broadway in New York, New York, as the "Ted Weiss Federal Building".

H.R. 258. To ensure continuity for the design of the 5-cent coin, establish the Citizens coinage Advisory Committee, and for other purposes.

H.R. 1559. To making emergency wartime supplemental appropriations for the fiscal year ending September 30, 2003, and for other purposes.

Jeff Trandahl, Clerk of the House reports that on April 24, 2003 he presented to the President of the United States, for his approval, the following bills.

H.R. 1770. To provide benefits and other compensation for certain individuals with injuries resulting from administration of smallpox countermeasures, and for other purposes.

ADJOURNMENT

Mr. TANCEDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 20 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 30, 2003, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1867. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and MD-88 Airplanes [Docket No. 2002-NM-216-AD; Amendment 39-12912; AD 2002-21-06] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A);

1868. A communication from the President of the United States, transmitting a request for the Equal Employment Opportunity Commission (EEOC); (H. Doc. No. 108—62); to the Committee on Appropriations and ordered to be printed.

1869. A communication from the President of the United States, transmitting a request to make available funds for the disaster relief program of the Department of Homeland Security; (H. Doc. No. 108—65); to the Committee on Appropriations and ordered to be printed.

1870. A letter from the Under Secretary, Department of Defense, transmitting a letter on the approved retirement of General Eric K. Shinseki, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

1871. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7805] received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1872. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Increased Rates for Flood Coverage (RIN: 1660-AA25) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1873. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Mortgage Insurance Premiums in Multifamily Housing Programs [Docket No. FR-4679-F-03] (RIN: 2502-AH64) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1874. A letter from the General Counsel, Consumer Product Safety Commission, transmitting the Commission's final rule — Exemptions from Classification as Banned

Hazardous Substances; Exemption for Certain Model Rocket Propellant Devices for Use With Rocket-Powered Model Cars — received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1875. A letter from the Assistant Secretary for Communications and Information, Department of Commerce, transmitting the Department's final rule — Technology Opportunities Program [981203295-3055-08] (RIN: 0660-ZA06) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1876. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1877. A letter from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting the Department's final rule — Change of Address; Technical Amendment — received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1878. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule — Standards for Business Practices of Interstate Natural Gas Pipelines [Docket No. RM96-1-024; Order No. 587-R] received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1879. A letter from the Director, International Cooperation, Department of Defense, transmitting a copy of Transmittal No. 06-03 which informs of an intent to sign a Second Project Agreement concerning Aegis Combat System Test and Evaluation on U.S. and Spanish Aegis Ships between the United States and Spain, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

1880. A letter from the Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

1881. A communication from the President of the United States, transmitting the bi-monthly report on progress toward a negotiated settlement of the Cyprus question covering the period February 1, 2003 through March 31, 2003, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

1882. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1883. A communication from the President of the United States, transmitting a report consistent with Public Law 107-243, "Authorization for Use of Military Force Against Iraq Resolution of 2002"; (H. Doc. No. 108—63); to the Committee on International Relations and ordered to be printed.

1884. A communication from the President of the United States, transmitting a 6-month periodic report on the national emergency with respect to significant narcotics traffickers centered in Colombia declared in Executive Order 12978 of October 21, 1995, pursuant to 50 U.S.C. 1641(c) and 50 U.S.C. 1703(c); (H. Doc. No. 108—64); to the Committee on International Relations and ordered to be printed.

1885. A letter from the Director, Bureau of Economic Analysis, Department of Commerce, transmitting the Department's final

rule — International Services Surveys: BE-22, Annual Survey of Selected Services Transactions with Unaffiliated Foreign Persons [Docket No. 020725180-2263-02] (RIN: 0691-AA43) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

1886. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act; to the Committee on International Relations.

1887. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation [FBI 109P; AAG/A ORDER No. 010-2003] (RIN: 1110-AA08) received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1888. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation [AAG/A Order No. 009-2003] received March 28, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

1889. A letter from the Administrator, General Services Administration, transmitting the Administration's fiscal year 2004 Annual Performance Plan; to the Committee on Government Reform.

1890. A letter from the Secretary, Postal Rate Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 2002, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

1891. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period January 1, 2003 through March 31, 2003 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a; (H. Doc. No. 108—66); to the Committee on House Administration and ordered to be printed.

1892. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Virgin Islands Coral Reef National Monument (RIN: 1024-AC89) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1893. A letter from the Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program [Docket No. 000522149-3063-04] (RIN: 0648-ZA) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1894. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Pacific Halibut Fisheries; Subsistence Fishing [Docket No. 020801186-3073-02; I.D. 053102D] (RIN: 0648-AQ09) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

1895. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Inflation Adjustment of Civil Money Penalty Amounts [Docket No. FR-4787-F-01] (RIN: 2501-AC91) received March 31, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1896. A letter from the Program Manager, ATF, Department of Justice, transmitting the Department's final rule — Implementation of the Safe Explosives Act, Title XI, Subtitle C of Public Law 107-296 [ATF No. 1;

Docket No. 2002R-341P] (RIN: 1140-AA00) received March 25, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1897. A letter from the Regulations Officer, FMCSA, Department of Transportation, transmitting the Department's final rule — Civil Penalties (RIN: 2126-AA81) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1898. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Regulation; Boothville Anchorage, Venice, LA [CGD08-02-017] (RIN: 1625-AA01 [Formerly RIN: 2115-AA98]) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1899. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; San Francisco Bay, California [COTP San Francisco Bay 03-003] (RIN: 625-AA97) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1900. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Red Baron Squadron Aerobatic Flight Demonstration, Long Beach, CA [COTP Los Angeles-Long Beach 03-001] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1901. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Ocean-side Harbor, CA [COTP San Diego 03-003] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1902. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zones; Tampa Bay, Port of Tampa, Port of Saint Petersburg, Port Manatee, Rattlesnake, Old Port Tampa, Big Bend, Weedon Island, and Crystal River, Florida [COTP Tampa 03-006] (RIN: 1625-AA00) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1903. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Liquefied Natural Gas Tankers, Cook Inlet, AK [COTP Western Alaska 02-001] (RIN: 1625-AA00 [Formerly 2115-AA97]) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1904. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Protection of Tank Ships, Puget Sound, WA [CGD13-02-018] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1905. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Waters Adjacent to San Onofre, San Diego County, CA [COTP San Diego 03-014] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1906. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Security Zone; Coronado Bay Bridge, San Diego, California [COTP San Diego 03-013] (RIN: 1625-AA00) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1907. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — Traffic Control Devices on Federal-Aid and Other Streets and Highways; Standards [FHWA Docket No. FHWA-2002-13069] (RIN: 2125-AE78) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1908. A letter from the Attorney, Office of the Secretary of Transportation, Department of Transportation, transmitting the Department's final rule — Extension of Computer Reservations Systems (CRS) Regulations [Docket No. OST-2003-14484] (RIN: 2105-AD24) received March 26, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1909. A letter from the Attorney, Office of the Chief Counsel, Department of Transportation, transmitting the Department's final rule — Revisions; Definition of Administrator (RIN: 2137-AD43) received April 11, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1910. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Repair Stations [Docket No. FAA-1999-5836] (RIN: 2120-AC38) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1911. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Special Operating Rules for the Conduct of Instrument Flight Rules (IFR) Area Navigation (RNAV) Operations Using Global Positioning Systems (GPS) in Alaska [Docket No. FAA-2003-14305; Special Federal Aviation Regulation No. 97] (RIN: 2120-AH93) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1912. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Aircraft Registration Requirements; Clarification of "Court of Competent Jurisdiction" [Docket No. FAA-2002-12377; Amendment No. 47-26] (RIN: 2120-AH75) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1913. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1, -3B, and -3B1 Turbofan Engines [Docket No. 2001-NE-21-AD; Amendment 39-13086; AD 2003-05-10] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1914. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-300, AT-301, AT-302, AT-400, and AT-400A Airplanes [Docket No. 2003-CE-09-AD; Amendment 39-13088; AD 2003-06-01] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1915. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Deutschland Ltd. & Co KG, Model Tay 611-8, 620-15,

650-15, and 651-54 Turbofan Engines [Docket No. 2002-NE-37-AD; Amendment 39-13080; AD 2003-05-04] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1916. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Wytownia Sprzetu Komunikacyjnego (WSK) PZL-Rzeszow S.A. Franklin 6A-350-C1, -C1A, -C1L, -C1R-C2, -C2A, and 4A-235 Series Reciprocating Engines [Docket No. 2002-NE-20-AD; Amendment 39-13077; AD 2003-05-01] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1917. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dassault Model Falcon 2000 and Mystere-Falcon 900 Series Airplanes [Docket No. 2003-NM-53-AD; Amendment 39-13085; AD 2003-05-09] (RIN: 2120-AA64) received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1918. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30359; Amdt. No. 3049] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1919. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30357; Amdt. No. 3047] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1920. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30358; Amdt. No. 3048] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1921. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30360; Amdt. No. 3050] received April 4, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1922. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Referrals of Information Regarding Criminal Violations (RIN: 2900-AL31) received April 12, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1923. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-33) received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1924. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Treatment of Grants Made by the Empire State Development Corporation to Businesses to Aid Recovery from the Attack of September 11, 2001, on the World Trade Center [Notice 2003-18] received March 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1925. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2001-54) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1926. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit — received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1927. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Department's final rule — Qualified 501(c)(3) Bonds [Notice 2002-10] received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1928. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Optional Methods for Determining the Value of the Use of Demonstration Automobiles Provided to Employees by Automobile Dealerships (Rev. Proc. 2001-56) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1929. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2002-8) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1930. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Tax Problems Raised by Certain Trust Arrangements Seeking to Qualify for Exception for Collectively Bargained Welfare Benefit Funds under Section 419A(f)(5) [Notice 2003-24] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1931. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Changes in Accounting Periods and in Methods of Accounting (Rev. Proc. 2002-9) received April 22, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1932. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Canadian Retirement Plan Trust Reporting [Notice 2003-25] received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1933. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Special Estimated Tax Payments (Rev. Rul. 2003-34) received April 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1934. A letter from the Regulations Officer, SSA, Social Security Administration, transmitting the Administration's final rule — Special Benefits for Certain World War II Veterans [Regulation No. 8] (RIN: 0960-AF61) received April 8, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1935. A letter from the Under Secretary, Department of Defense, transmitting the biennial report on the Montgomery GI Bill Education Benefits Program; jointly to the Committees on Armed Services and Veterans' Affairs.

1936. A letter from the Comptroller General, General Accounting Office, transmitting the financial audit of the Federal Deposit Insurance Corporation Funds' 2002 and 2001 Financial Statements, pursuant to 12 U.S.C. 1827; jointly to the Committees on Financial Services and Government Reform.

1937. A letter from the Chairperson, United States Commission on Civil Rights, trans-

mitting the Commission's report entitled, "Beyond Percentage Plans: The Challenge of Equal Opportunity in Higher Education," pursuant to 42 U.S.C. 1975a(c); jointly to the Committees on the Judiciary and Education and the Workforce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TAUZIN: Committee on Energy and Commerce. H.R. 810. A bill to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program; with an amendment (Rept. 108-74, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. H.R. 1350. A bill to reauthorize the Individuals with Disabilities Education Act, and for other purposes; with an amendment (Rept. 108-77). Referred to the Committee of the Whole House on the State of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 206. Resolution providing for consideration of the bill (H.R. 1350) to reauthorize the Individuals with Disabilities Education Act, and for other purposes (Rept. 108-79). Referred to the House Calendar.

REPORTED BILL SEQUENTIALLY REFERRED

Under clause 2 of rule XII, bills and reports were delivered to the Clerk for printing, and bills referred as follows:

Mr. TOM DAVIS of Virginia: Committee on Government Reform. H.R. 1346. A bill to amend the Office of Federal Procurement Policy Act to provide an additional function of the Administrator for Federal Procurement Policy relating to encouraging Federal procurement policies that enhance energy efficiency, with an amendment; referred to the Committee on Transportation and Infrastructure for a period ending not later than June 2, 2003, for consideration of such provisions of the bill and amendment as fall within the jurisdiction of that committee pursuant to clause 1(q), rule X (Rept. 108-78, Pt. 1).

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. GALLEGLY (for himself, Mr. POMBO, Mr. GIBBONS, and Mr. YOUNG of Alaska):

H.R. 1835. A bill to amend the Endangered Species Act of 1973 to limit designation as critical habitat of areas owned or controlled by the Department of Defense, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 1836. A bill to make changes to certain areas of the Federal civil service in order to improve the flexibility and competitiveness of Federal human resources management; to the Committee on Government Reform, and in addition to the Committees

on Armed Services, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOM DAVIS of Virginia (for himself and Mr. HUNTER):

H.R. 1837. A bill to improve the Federal acquisition workforce and the process for the acquisition of services by the Federal Government, and for other purposes; to the Committee on Government Reform, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS:

H.R. 1838. A bill to amend title 38, United States Code, to revise the presumptions of service-connection relating to diseases and disabilities of former prisoners of war; to the Committee on Veterans' Affairs.

By Mr. GREEN of Wisconsin (for himself and Mr. PENCE):

H.R. 1839. A bill to amend the Act of October 19, 1949, entitled "An Act to assist States in collecting sales and use taxes on cigarettes"; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1840. A bill to amend the Elementary and Secondary Education Act of 1965 to authorize grants for the repair, renovation, alteration, and construction of public elementary and secondary school facilities; to the Committee on Education and the Workforce.

By Mr. NEY (by request):

H.R. 1841. A bill to better assist lower income families to obtain decent, safe, and affordable housing through the conversion of the section 8 housing choice voucher program into a State-administered block grant; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1842. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to require persons who are plan administrators of employee pension benefit plans or provide administrative services to such plans, and who also provide automobile insurance coverage or provide persons offering such coverage identifying information relating to plan participants or beneficiaries, to submit to the Federal Trade Commission certain information relating to such automobile insurance coverage; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1843. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to notify parents concerning missing person reports about their children, and for other purposes; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1844. A bill to establish State revolving funds for school construction; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1845. A bill to provide grants to States to establish, expand, or enhance prekindergarten programs for children who are not yet enrolled in kindergarten; to the Committee on Education and the Workforce.

By Mr. ANDREWS:

H.R. 1846. A bill to amend the Federal Deposit Insurance Corporation Improvement Act of 1991 to provide for the collection of data on the availability of credit for women-owned business; to the Committee on Financial Services.

By Mr. ANDREWS:

H.R. 1847. A bill concerning denial of passports to noncustodial parents subject to State arrest warrants in cases of non-payment of child support; to the Committee on International Relations.

By Mr. ANDREWS:

H.R. 1848. A bill to afford students and parents with private civil remedies for the violation of their privacy rights under the General Education Provisions Act; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS (for himself and Mr. RANGEL):

H.R. 1849. A bill to require the establishment of programs by the Administrator of the Environmental Protection Agency, the Director of the National Institute for Occupational Safety and Health, and the Secretary of Health and Human Services to improve indoor air quality in schools and other buildings; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GUTIERREZ:

H.R. 1850. A bill to provide for automatic naturalization for noncitizen members of the Armed Forces ordered to serve in a combat zone, and to extend immigration benefits to surviving spouses, children, and parents of persons granted posthumous citizenship through death while on active-duty service in the Armed Forces; to the Committee on the Judiciary.

By Mr. ANDREWS:

H.R. 1851. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for annual screening mammography for any class of covered individuals if the coverage or plans include coverage for diagnostic mammography for such class and to amend title XIX of the Social Security Act to provide for coverage of annual screening mammography under the Medicaid Program; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1852. A bill to assure equitable treatment of fertility and impotence in health care coverage under group health plans, health insurance coverage, and health plans under the Federal employees' health benefits program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1853. A bill to amend title XVIII of the Social Security Act to require the preparation of audit reports based upon the financial auditing of MedicareChoice organizations and to make such reports available to the public; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1854. A bill to amend part C of title XVIII of the Social Security Act to reimburse MedicareChoice plans located in the

same metropolitan statistical area the same payment rate; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ANDREWS:

H.R. 1855. A bill to amend title XVIII of the Social Security Act to require home health agencies participating in the Medicare Program to conduct criminal background checks for all applicants for employment as patient care providers; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 1856. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 1857. A bill to authorize assistance to combat the growing HIV/AIDS problem in countries in sub-Saharan Africa and the Caribbean; to the Committee on International Relations.

By Mrs. JOHNSON of Connecticut (for herself, Mr. LEVIN, and Mr. MATSUI):

H.R. 1858. A bill to provide a permanent funding level for the Social Services Block Grant, and to authorize States to use 10 percent of their TANF funds to carry out Social Services Block Grant programs; to the Committee on Ways and Means.

By Mr. LARSON of Connecticut (for himself, Mr. WELDON of Pennsylvania, Mr. SIMMONS, Ms. DELAURO, Mrs. JOHNSON of Connecticut, Mr. SHAYS, Mr. GOODE, Mr. ENGLISH, Mr. PETRI, Mr. MCHUGH, Mr. WILSON of South Carolina, Mr. MCGOVERN, Mr. FROST, Mr. PLATTS, and Mr. FORD):

H.R. 1859. A bill to amend the Internal Revenue Code of 1986 to exclude from income and employment taxes and wage withholding property tax rebates and other benefits provided to volunteer firefighters and emergency medical responders; to the Committee on Ways and Means.

By Mr. LEVIN (for himself and Mr. FOLEY):

H.R. 1860. A bill to promote primary and secondary health promotion and disease prevention services and activities among the elderly, to amend title XVIII of the Social Security Act to add preventive health benefits, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE (for himself, Mr. MARKEY, Mr. BROWN of Ohio, Mr. HOLT, and Ms. JACKSON-LEE of Texas):

H.R. 1861. A bill to help protect the public against the threat of chemical attacks; to the Committee on Energy and Commerce.

By Mr. PETERSON of Pennsylvania (for himself, Mr. GREENWOOD, Mr. ENGLISH, Mr. DOYLE, Mr. MURPHY, Mr. KANJORSKI, Mr. MURTHA, Ms. HART, Mr. PLATTS, Mr. HOEFFEL, Mr. BRADY of Pennsylvania, Mr. GERLACH, Mr. FATTAH, Mr. HOLDEN, and Mr. SHERWOOD):

H.R. 1862. A bill to establish the Oil Region National Heritage Area; to the Committee on Resources.

By Mr. ROGERS of Michigan:

H.R. 1863. A bill to declare adequate pain care research, education, and treatment as national public health priorities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Armed Services, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRBACHER (for himself and Mr. HONDA):

H.R. 1864. A bill to preserve certain actions in Federal court brought by members of the United States Armed Forces held as prisoners of war by Japan during World War II against Japanese nationals seeking compensation for mistreatment or failure to pay wages in connection with labor performed in Japan to the benefit of the Japanese nationals, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on International Relations, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCOTT of Georgia:

H.R. 1865. A bill to authorize the Secretary of Housing and Urban Development to make grants to States, units of general local government, and nonprofit organizations for counseling and education programs for the prevention of predatory lending and to establish a toll-free telephone number for complaints regarding predatory lending, and for other purposes; to the Committee on Financial Services.

By Mr. SWEENEY (for himself and Mr. McNULTY):

H.R. 1866. A bill to reinstate and transfer a hydroelectric license under the Federal Power Act to permit the redevelopment of a hydroelectric project located in the State of New York, and for other purposes; to the Committee on Energy and Commerce.

By Mr. VITTER:

H.R. 1867. A bill to amend title 44, United States Code, to provide for the suspension of fines under certain circumstances for first-time paperwork violations by small business concerns; to the Committee on Government Reform, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. DAVIS of Illinois, Ms. NORTON, Mr. SERRANO, Mr. THOMPSON of Mississippi, Ms. LEE, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Mr. UDALL of New Mexico, Mr. ABERCROMBIE, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 1868. A bill to amend the Public Health Service Act to establish a program to provide screenings and treatment for cancer to minority and other populations served by health centers under section 330 of such Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WATT (for himself, Mr. JONES of North Carolina, Mr. UDALL of Colorado, Mr. ROSS, Mr. FRANK of Massachusetts, Mr. HOUGHTON, Mr. CAPUANO, Ms. SOLIS, Mr. FORBES, and Mr. HINCHEY):

H.R. 1869. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating the International Civil Rights Center and Museum, located in

Greensboro, North Carolina, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. WILSON of South Carolina:

H.R. 1870. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Mr. WU:

H.R. 1871. A bill to encourage partnerships between community colleges and four-year colleges and universities; to the Committee on Education and the Workforce.

By Mr. NEY (for himself and Mr. LARSON of Connecticut):

H. Con. Res. 156. Concurrent resolution extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people; to the Committee on House Administration, considered and agreed to.

By Mr. ROGERS of Michigan:

H. Con. Res. 157. Concurrent resolution expressing the sense of Congress supporting education to reduce childhood injuries; to the Committee on Energy and Commerce.

By Mr. PORTER (for himself, Mr. HOEKSTRA, Mr. MCKEON, Mr. CASTLE, Mr. DEMINT, Mrs. MUSGRAVE, Mr. ROGERS of Michigan, Mr. CHOCOLA, Mr. HAYWORTH, Mr. KELLER, Mrs. BLACKBURN, and Mr. REHBERG):

H. Res. 204. A resolution congratulating charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education, and for other purposes; to the Committee on Education and the Workforce, considered and agreed to.

By Mr. FROST:

H. Res. 207. A resolution honoring the life and achievements of Dallas Morning News Reporter Sam Attlesley and expressing sorrow on the occasion of his death; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

22. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to Senate Concurrent Resolution No. 1 memorializing the Congress of the United States to adopt and place on the ballot a national referendum to maintain the words "one nation under God" in the Pledge of Allegiance; to the Committee on the Judiciary.

23. Also, a memorial of the General Assembly of the State of Tennessee, relative to Senate Joint Resolution No. 184 memorializing the Congress of the United States to act expeditiously to allow for the deduction of state and local sales in the computation of Federal income tax liability, as would be allowed under the provisions of H.R. 720; to the Committee on Ways and Means.

24. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution No. 34 memorializing the Congress to approve legislation to allow taxpayers to deduct sales taxes paid on their federal income tax return sales in the computation of Federal income tax return; to the Committee on Ways and Means.

25. Also, a memorial of the Senate of the State of North Dakota, relative to Senate Concurrent Resolution No. 4023 memorializing the Congress to enact financially sustainable, voluntary, universal, outpatient prescription drug coverage with consideration for privately administered plans as part of the federal Medicare program; jointly

to the Committees on Energy and Commerce and Ways and Means.

26. Also, a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 37 memorializing the Congress to support the President's strategy for protecting the security of the United States through our efforts in Iraq and to support for the men and women of our military and their families; jointly to the Committees on International Relations and Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. OTTER introduced a bill (H.R. 1872) for the relief of the heirs and assigns of Hattie Davis Rogers of the Nez Perce Indian Reservation, Idaho; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 34: Ms. NORTON, Ms. LOFGREN, and Mr. OBERSTAR.

H.R. 40: Mr. HONDA.

H.R. 49: Mr. BRADLEY of New Hampshire and Mr. SMITH of Washington.

H.R. 50: Ms. HART.

H.R. 51: Mr. BONILLA.

H.R. 57: Mr. BURR, Mr. DEAL of Georgia, and Mr. FOSSELLA.

H.R. 58: Mr. STEARNS, Mr. ROTHMAN, Mr. DICKS, Mr. JENKINS, Mr. KENNEDY of Rhode Island, Mr. DUNCAN, and Mr. GORDON.

H.R. 63: Mr. GOSS and Ms. GINNY BROWN-WAITE of Florida.

H.R. 92: Mr. RYAN of Ohio.

H.R. 100: Mr. FALCOMA and Mr. GARRETT of New Jersey.

H.R. 117: Mr. SCHROCK.

H.R. 125: Mrs. CAPPS.

H.R. 126: Ms. LOFGREN and Ms. LEE.

H.R. 133: Mr. ISRAEL.

H.R. 140: Mr. BARRETT of South Carolina.

H.R. 206: Mr. GORDON and Mr. BEAUPREZ.

H.R. 208: Mr. ISRAEL.

H.R. 218: Mr. MORAN of Kansas, Mr. FALCOMA, Mr. SHERMAN, and Mr. McNULTY.

H.R. 223: Mr. HOEKSTRA.

H.R. 224: Mr. HOEKSTRA.

H.R. 236: Ms. SCHAKOWSKY, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. MILLER of North Carolina, Ms. MAJETTE, and Mr. RYAN of Ohio.

H.R. 278: Mr. BURR and Mr. GREEN of Wisconsin.

H.R. 284: Mr. FOLEY, Mr. HUNTER, Mr. McDERMOTT, Ms. DELAUNO, Mr. FOSSELLA, Mr. DEFAZIO, Mr. BISHOP of New York, Mr. SHUSTER, Mr. SMITH of Washington, Mr. BOEHLERT, and Mr. BEREUTER.

H.R. 300: Mr. PETERSON of Pennsylvania.

H.R. 303: Mr. MOLLOHAN, Mr. ROYCE, Mr. MARKEY, Mr. DOOLEY of California, Mr. FORBES, Ms. CARSON of Indiana, Mr. SCOTT, of Georgia, Ms. KAPTUR, Mr. SHERMAN, Mr. COBLE, Mr. PORTMAN, Mr. McINNIS, and Mr. BURGESS.

H.R. 328: Mr. LANTOS, Ms. KILPATRICK, Ms. LOFGREN, Ms. KAPTUR, Ms. WATERS, Mr. RYAN of Ohio, Mr. DOOLEY of California, Mr. ACKERMAN, Ms. SOLIS, and Mr. BELL.

H.R. 331: Mr. BARTLETT of Maryland.

H.R. 348: Mr. GRIJALVA and Mr. STRICKLAND.

H.R. 369: Mrs. MILLER of Michigan.

H.R. 373: Ms. LINDA T. SANCHEZ of California.

H.R. 391: Ms. GRANGER, Mr. BRADY of Texas, Mr. MORAN of Kansas, and Mr. WELDON of Florida.

H.R. 401: Mr. TANCREDI, Mr. LANTOS, and Mr. DEUTSCH.
H.R. 424: Mr. ISRAEL.
H.R. 442: Mr. MILLER of North Carolina, Mr. SMITH of Washington, Mr. SAXTON, Ms. DELAUNO, and Mr. GORDON.
H.R. 445: Mr. PAYNE and Mr. CLYBURN.
H.R. 457: Mr. KLINE.
H.R. 489: Mr. BARTLETT of Maryland.
H.R. 497: Mr. COX.
H.R. 527: Mr. FOLEY, Mr. WOLF, and Mr. ACKERMAN.
H.R. 528: Mr. MARKEY, Mr. HONDA, Mr. KENNEDY of Rhode Island, Mr. WEXLER, and Mr. MORAN of Virginia.
H.R. 543: Mr. MURPHY.
H.R. 548: Mr. FARR, Mr. MCNULTY, Mr. DOGGETT, Mr. BONNER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MARKEY, Mrs. BONO, Mr. TIERNEY, Mr. HALL, Mr. SNYDER, Mr. CANNON, and Mr. HERGER.
H.R. 569: Mr. FRANK of Massachusetts.
H.R. 571: Mr. MICA, Mr. ADERHOLT, Mr. BOEHLERT, Mr. CARTER, Mr. TANCREDI, Mr. FILNER, Mr. GOODE, Mr. BONNER, Ms. DUNN, and Mr. ROGERS of Michigan.
H.R. 584: Mr. FOLEY.
H.R. 594: Mrs. MUSGRAVE, Mr. DEAL of Georgia, Mr. ANDREWS, Mr. SCOTT of Georgia, Mr. RAHALL, Mr. ROSS, Mr. DUNCAN, Mr. MURPHY, Mrs. MALONEY, and Mr. BURGESS.
H.R. 623: Mr. CASE and Mr. PETERSON of Minnesota.
H.R. 648: Mr. JONES of North Carolina and Mr. BURTON of Indiana.
H.R. 687: Mr. CHABOT, Mr. GINGREY, Mr. COLLINS, Mr. FEENEY, Mr. BURNS, Mr. CALVERT, Mr. PAUL, Ms. HART, Mr. SHAYS, Mr. FRANKS of Arizona, and Mr. LEWIS of Kentucky.
H.R. 713: Mr. MORAN of Kansas, Mr. OLVER, Mr. ROSS, and Mr. JONES of North Carolina.
H.R. 714: Mr. MANZULLO and Mr. OTTER.
H.R. 717: Ms. NORTON, Mr. MEEHAN, Ms. MILLENDER-MCDONALD, Mr. FRANK of Massachusetts, Mr. MOORE, Mr. BELL, Mr. GREEN of Texas, Mr. GUTIERREZ, and Ms. VELAZQUEZ.
H.R. 728: Mr. NETHERCUTT and Mr. WILSON of South Carolina.
H.R. 731: Ms. ROYBAL-ALLARD, Mr. MICHAUD, Mr. FOLEY, Ms. WATERS, Mr. INSLEE, Mr. BRADY of Pennsylvania, and Mr. COLE.
H.R. 734: Mr. DAVIS of Illinois.
H.R. 738: Mr. RYAN of Ohio, Mr. NEAL of Massachusetts, Ms. LINDA T. SANCHEZ of California, Mr. ABERCROMBIE, Mrs. JOHNSON of Connecticut, and Ms. ESHOO.
H.R. 742: Mr. MORAN of Virginia, Mr. HAYES, Mr. FRANK of Massachusetts, Mr. HOLT, Mr. ROTHMAN, Mr. JOHN, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. MANZULLO, Mr. ALEXANDER, Mr. BISHOP of Utah, Mr. BOUCHER, Mr. CLAY, Mr. ISRAEL, Mr. LARSEN of Washington, and Mr. UPTON.
H.R. 756: Mr. AKIN.
H.R. 767: Mrs. MUSGRAVE, Mr. EHLERS, Mr. FOLEY, Mr. CAMP, Mr. GARRETT of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. DOOLITTLE.
H.R. 768: Ms. MILLENDER-MCDONALD and Mr. LAHOOD.
H.R. 776: Mr. MARKEY and Mr. HOFFEL.
H.R. 785: Ms. MCCOLLUM, Mr. TURNER of Texas, Mr. LATOURETTE, Mr. FOSSELLA, Mr. HINCHEY, Mr. MOORE, Mr. LUCAS of Kentucky, Mr. FILNER, and Mr. HOUGHTON.
H.R. 786: Mr. RENZI, Mr. FILNER, and Mr. HOUGHTON.
H.R. 792: Mr. PASTOR, Mr. FRANKS of Arizona, Mr. GRIJALVA, Mr. PEARCE, and Mr. LAHOOD.
H.R. 800: Mr. BARRETT of South Carolina and Mr. SULLIVAN.
H.R. 806: Mr. PRICE of North Carolina, Mrs. MALONEY, Mr. MCNULTY, and Mr. MCINNIS.
H.R. 808: Mr. SHAW.
H.R. 809: Mr. MORAN of Virginia.

H.R. 813: Ms. LEE and Mr. GORDON.
H.R. 814: Mr. DAVIS of Tennessee, Mr. BALLANCE, Mr. BRADLEY of New Hampshire, Mr. DUNCAN, and Mr. MURPHY.
H.R. 816: Mr. ABERCROMBIE, Mr. ISAKSON, and Mr. SMITH of New Jersey.
H.R. 819: Mr. PALLONE, Mr. PEARCE, Mr. TURNER of Texas, Mr. FROST, and Mr. GREEN of Texas.
H.R. 832: Ms. PELOSI, Ms. MAJETTE, Mr. SHERMAN, Mr. MORAN of Virginia, and Mrs. CAPPS.
H.R. 839: Mr. RAMSTAD and Mr. HOUGHTON.
H.R. 857: Mrs. MCCARTHY of New York, Mr. PETERSON of Minnesota, Mr. ENGEL, Mr. DEUTSCH, and Mr. HINCHEY.
H.R. 870: Mr. COLLINS, Mr. JEFFERSON, Mr. CRANE, and Mr. KLECZKA.
H.R. 871: Mr. LAHOOD.
H.R. 872: Mr. MCHUGH.
H.R. 879: Mr. FILNER and Mr. BROWN of Ohio.
H.R. 882: Mr. EHLERS, Mr. PASCRELL, Mr. HOUGHTON, and Mr. ANDREWS.
H.R. 898: Mr. MEEKS of New York, Mr. EVANS, Mr. STENHOLM, and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 919: Mr. BERMAN, Ms. LINDA T. SANCHEZ of California, Mr. WEINER, Mr. LARSON of Connecticut, Mr. REYES, Mr. COBLE, Mrs. CAPPS, and Mr. COLE.
H.R. 931: Mr. BOOZMAN, Mr. PETERSON of Pennsylvania, Mr. WAMP, Mrs. JO ANN DAVIS of Virginia, and Mr. SCHROCK.
H.R. 936: Mr. DEFALIO and Mrs. CAPPS.
H.R. 941: Mr. FRANK of Massachusetts.
H.R. 953: Mr. MICA.
H.R. 973: Mr. LEWIS of Georgia and Mr. GORDON.
H.R. 979: Mr. ANDREWS.
H.R. 980: Mr. MOORE and Mr. PETERSON of Minnesota.
H.R. 990: Mr. BURTON of Indiana and Mr. MILLER of Florida.
H.R. 1006: Mr. FILNER, Mr. ISRAEL, Mr. PRICE of North Carolina, and Ms. LOFGREN.
H.R. 1022: Mr. UDALL of New Mexico, Mr. BELL, Mr. GRIJALVA, Ms. CORRINE BROWN of Florida, and Mr. HINCHEY.
H.R. 1029: Mr. MARKEY.
H.R. 1042: Mr. THOMPSON of Mississippi.
H.R. 1043: Ms. HARRIS.
H.R. 1049: Mr. STENHOLM.
H.R. 1052: Ms. BALDWIN and Mr. DEFALIO.
H.R. 1068: Ms. SLAUGHTER, Mr. BOSWELL, Mr. OBERSTAR, and Mr. GUTIERREZ.
H.R. 1083: Mr. CUMMINGS.
H.R. 1084: Mr. MILLER of Florida, Mr. CUNNINGHAM, and Mr. PETERSON of Minnesota.
H.R. 1096: Mr. POMEROY.
H.R. 1102: Mr. DEUTSCH, Mr. BOYD, and Mr. CARDIN.
H.R. 1108: Mr. WEXLER.
H.R. 1111: Mr. FOLEY, Mrs. WILSON of New Mexico, and Mr. RAHALL.
H.R. 1117: Mr. PAUL, Mr. GARRETT of New Jersey, Mr. BURTON of Indiana, and Mr. GOODE.
H.R. 1119: Mr. DEAL of Georgia, Mr. PETERSON of Pennsylvania, and Mr. JONES of North Carolina.
H.R. 1120: Mr. ANDREWS.
H.R. 1125: Mr. LARSEN of Washington, Mr. ABERCROMBIE, Mr. CHOCOLA, Mr. FORD, Ms. VELAZQUEZ, Mr. LYNCH, Mr. MORAN of Kansas, Mr. ALEXANDER, Mr. SNYDER, Mr. WAMP, Mrs. CAPPS, Mr. EVANS, Mrs. CUBIN, Mr. BONNER, Mr. CRAMER, Mr. WILSON of South Carolina, Mr. CUNNINGHAM, Mr. GRIJALVA, Mr. MARKEY, Mr. UDALL of Colorado, Mr. LAHOOD, Mr. LEWIS of Georgia, and Mr. PEARCE.
H.R. 1130: Mr. SANDLIN.
H.R. 1133: Ms. GINNY BROWN-WAITE of Florida, and Ms. LEE.
H.R. 1144: Mr. ISRAEL, Mr. VAN HOLLEN, Mr. DOYLE, Mr. HOFFEL, and Mr. HINOJOSA.

H.R. 1145: Mr. HINCHEY and Mrs. NAPOLITANO.
H.R. 1146: Mr. POMBO and Mr. NORWOOD.
H.R. 1155: Mr. UDALL of Colorado, Ms. SCHAKOWSKY, Mr. SANDERS, Ms. MAJETTE, Ms. NORTON, Mr. SHAYS, Mr. EHLERS, Mr. WEXLER, Mr. WYNN, Mr. MCNULTY, Mr. ABERCROMBIE, Mr. GORDON, and Mr. FRANK of Massachusetts.
H.R. 1157: Mr. WAMP, Mr. ETHERIDGE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. KAPTUR, and Mrs. TAUSCHER.
H.R. 1168: Ms. MAJETTE, Mr. WILSON of South Carolina, Mr. EMANUEL, and Ms. LINDA T. SANCHEZ of California.
H.R. 1170: Mr. LATOURETTE.
H.R. 1179: Mr. CANTOR, Mr. HAYES, Mr. BURR, Mr. TURNER of Texas, and Mr. LEWIS of Kentucky.
H.R. 1180: Mr. SWEENEY.
H.R. 1185: Mr. GORDON.
H.R. 1191: Mr. ANDREWS.
H.R. 1196: Ms. MCCOLLUM, Mr. FROST, Mr. FRANK of Massachusetts, Ms. SLAUGHTER, Ms. LOFGREN, Mr. BROWN of Ohio, Mr. OLVER, Mr. MATSUI, Mr. SHAYS, and Mr. BELL.
H.R. 1199: Mr. RYAN of Ohio, Mr. SCOTT of Georgia, and Mr. ISRAEL.
H.R. 1206: Ms. GINNY BROWN-WAITE of Florida and Mr. PAUL.
H.R. 1214: Mr. PETERSON of Minnesota, Mr. COOPER, Mrs. EMERSON, Mr. LARSON of Connecticut, and Mr. DICKS.
H.R. 1222: Mr. TIBERI, Mr. PICKERING, and Mr. PLATTS.
H.R. 1233: Mr. OTTER, Mr. EHLERS, Mr. BEAUPREZ, and Mr. SENSENBRENNER.
H.R. 1244: Mr. KUCINICH, Mr. KILDEE, Mr. OWENS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COSTELLO, and Mr. MICA.
H.R. 1261: Mr. NORWOOD.
H.R. 1275: Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. ETHERIDGE, Ms. WOOLSEY, Mr. WAXMAN, Mr. MEHAN, Mrs. WILSON of New Mexico, and Mr. MCDERMOTT.
H.R. 1285: Mr. ACKERMAN, Mr. BLUMENAUER, Ms. CORRINE BROWN of Florida, Ms. CARSON of Indiana, Mrs. CHRISTENSEN, Mr. CONYERS, Mr. DAVIS of Illinois, Mr. DELAHUNT, Mr. DEUTSCH, Mr. DOOLEY of California, Mr. ENGEL, Mr. FALOMAVAEGA, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. HINCHEY, Ms. JACKSON-LEE of Texas, Mr. JEFFERSON, Mr. KENNEDY of Rhode Island, Ms. LEE, Mr. LEWIS of Georgia, Mr. MARKEY, Mr. MATSUI, Mr. MCGOVERN, Ms. MILLENDER-MCDONALD, Mr. NADLER, Mr. OBEY, Mr. OLVER, Mr. RANGEL, Mr. SANDERS, Mr. SHERMAN, Ms. WATSON, Mr. WEXLER, Ms. WOOLSEY, and Mr. WYNN.
H.R. 1305: Mr. CHOCOLA.
H.R. 1309: Ms. JACKSON-LEE of Texas and Mr. FROST.
H.R. 1310: Mr. BLUNT, Mr. VITTER, Mr. BARTLETT of Maryland, Mr. BONNER, Mr. HOUGHTON, and Mr. CANTOR.
H.R. 1320: Mr. ISSA and Mrs. WILSON of New Mexico.
H.R. 1323: Ms. MAJETTE, Mr. CARSON of Oklahoma, and Mr. UDALL of Colorado.
H.R. 1332: Mr. TERRY and Mr. GORDON.
H.R. 1342: Mr. BELL, Mr. ROSS, and Ms. BALDWIN.
H.R. 1345: Ms. NORTON, Mr. WYNN, and Mr. BELL.
H.R. 1348: Mr. ANDREWS.
H.R. 1350: Mr. GORDON and Mr. BELL.
H.R. 1357: Ms. WOOLSEY.
H.R. 1358: Ms. WOOLSEY and Mr. DOYLE.
H.R. 1359: Mr. MATSUI.
H.R. 1366: Mr. Gutierrez.
H.R. 1374: Ms. LINDA T. SANCHEZ of California.
H.R. 1376: Mr. MCDERMOTT.
H.R. 1381: Ms. WOOLSEY, Ms. SCHAKOWSKY, Mr. STENHOLM, Ms. CORRINE BROWN of Florida, Mr. ENGEL, Mr. HINCHEY, Mr. GUTIERREZ, and Mr. HOLDEN.

H.R. 1388: Mr. PALLONE and Mr. FERGUSON.
H.R. 1389: Ms. WOOLSEY.
H.R. 1409: Mr. PALLONE.
H.R. 1418: Mr. BROWN of Ohio, Mr. SMITH of Michigan, Mr. MCGOVERN, and Mr. FROST.
H.R. 1425: Ms. LINDA T. SANCHEZ of California.
H.R. 1430: Mr. BROWN of Ohio, Mr. GEORGE MILLER of California, Mr. ENGEL, Ms. SOLIS, Mr. GRIJALVA, and Ms. ESHOO.
H.R. 1448: Mr. FALCOMA, Mr. MEEHAN, Mr. SANDERS, Mr. GEORGE MILLER of California, and Mr. BELL.
H.R. 1472: Mr. FRANK of Massachusetts, Mr. McDERMOTT, Mr. LATOURETTE, Mr. HINCHEY, Mr. FARR, Mr. DELAHUNT, Mr. WAXMAN, Mr. GRIJALVA, and Mr. OLVER.
H.R. 1477: Mr. PAUL and Ms. KILPATRICK.
H.R. 1478: Mr. REHBERG, Mr. CUNNINGHAM, and Mr. PLATTS.
H.R. 1480: Mr. FROST.
H.R. 1491: Mr. CUMMINGS and Mr. COSTELLO.
H.R. 1508: Mr. NADLER and Mr. LANTOS.
H.R. 1512: Mr. UPTON, Mr. ROGERS of Michigan, and Mr. EHLERS.
H.R. 1517: Mr. HERGER, Mr. HASTINGS of Washington, and Mr. REHBERG.
H.R. 1518: Mr. CALVERT.
H.R. 1519: Mr. WEINER and Mrs. MCCARTHY of New York.
H.R. 1543: Mr. ISAKSON, Mr. WILSON of South Carolina, Mr. FORD, and Mrs. MYRICK.
H.R. 1580: Mr. SHUSTER, Mr. MURPHY, Mr. BOOZMAN, Mr. DAVIS of Alabama, Mr. KOLBE, Mr. MATHESON, Mr. HALL, Mr. ADERHOLT, Mr. EVERETT, Mr. SNYDER, Mr. QUINN, Mrs. KELLY, Mr. CRAMER, and Mr. PETERSON of Minnesota.
H.R. 1581: Ms. BORDALLO, Mr. FROST, Mr. CRENSHAW, Mr. ANDREWS, Mr. REYES, and Mr. RANGEL.
H.R. 1587: Mr. ANDREWS.
H.R. 1608: Mr. JONES of North Carolina.
H.R. 1613: Mr. DELAHUNT, Mr. FROST, Ms. KILPATRICK, Mr. PALLONE, Mr. RUSH, Mr. TOWNS, Mr. GRIJALVA, Mr. PAYNE, Mr. CONYERS, and Mr. SKELTON.
H.R. 1615: Mr. ENGEL.
H.R. 1631: Mr. SMITH of Texas, Mr. DEAL of Georgia, Mrs. CUBIN, Mr. FORBES, and Mr. CUNNINGHAM.
H.R. 1641: Mr. WILSON of South Carolina.
H.R. 1653: Mr. PAUL and Mr. PETERSON of Minnesota.
H.R. 1659: Mr. DREIER, Mr. CARDOZA, and Mr. OSE.
H.R. 1661: Mr. FROST, Ms. NORTON, and Mr. BISHOP of New York.
H.R. 1662: Mr. NUNES, Ms. DUNN, Mr. JONES of North Carolina, Mr. TERRY, Mr. TANCREDO, and Mr. SANDLIN.
H.R. 1677: Mrs. LOWEY, Mr. ACEVEDO-VILA, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1685: Mr. LEWIS of California, Mr. FROST, Mr. MORAN of Virginia, Mr. WILSON of South Carolina, Mr. SHAYS, Mrs. WILSON of New Mexico, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. RANGEL.
H.R. 1687: Mr. RANGEL, Mr. NUNES, Mr. RENZI, and Mr. DAVIS of Illinois.
H.R. 1692: Mr. EMANUEL, Mr. HINOJOSA, and Mr. RUSH.
H.R. 1693: Ms. SLAUGHTER.
H.R. 1700: Mrs. MALONEY.
H.R. 1705: Mr. BELL.
H.R. 1708: Mr. CLAY, Mr. SCHIFF, Mr. QUINN, Mr. WEINER, Mr. KIND, Mr. UDALL of Colorado, Mr. COSTELLO, Mr. FILNER, Mr. CARDOZA, Mr. EMANUEL, Mr. ANDREWS, Mr. LATOURETTE, Mr. CASE, Mr. SANDERS, Mr. TOWNS, Mr. ISRAEL, Mr. VAN HOLLEN, Mr. SCOTT of Virginia, Mr. BERMAN, Mrs. MCCARTHY of New York, Mrs. CHRISTENSEN, Mr. ETHERIDGE, Mr. RYAN of Ohio, Mr. DAVIS of Tennessee, Mr. PALLONE, Mr. UDALL of New Mexico, Mr. BERRY, Ms. SLAUGHTER, Mr. ISAKSON, Mr. ACKERMAN, Mr. REYES, Mr. GORDON, Mr. ABERCROMBIE, Mr. MATSUI, Mr. SANDLIN, Mr. MCGOVERN, Mr. ROSS, and Mr. RODRIGUEZ.
H.R. 1710: Mrs. MCCARTHY of New York, Mr. HINCHEY, Mr. DAVIS of Illinois, Mr. LOBIONDO, Mr. FROST, Mr. GREEN of Texas, Mr. TURNER of Texas, Mr. QUINN, and Mr. SAXTON.
H.R. 1713: Mr. SNYDER, Ms. BERKLEY, Ms. LEE, and Mr. UDALL of New Mexico.
H.R. 1714: Mr. COX, Mr. COLE, Mr. DREIER, Mr. ISRAEL, Mr. SESSIONS, Mr. CUNNINGHAM, Mr. WAMP, Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, and Mr. MCINNIS.
H.R. 1725: Mr. PAUL and Mr. SIMMONS.
H.R. 1733: Mr. OWENS and Mr. RANGEL.
H.R. 1742: Mr. FILNER, Ms. LOFGREN, Mr. HONDA, Mr. BLUMENAUER, and Mr. RADANOVICH.
H.R. 1746: Mr. LATHAM, Mrs. JO ANN DAVIS of Virginia, Mr. BEREUTER, Mr. QUINN, Mr. PETERSON of Minnesota, Mr. BURTON of Indiana, Mr. VITTER, Mr. COOPER, Mr. TERRY, Mr. ISRAEL, Mr. KENNEDY of Rhode Island, Mr. GONZALEZ, Mr. BELL, Mr. JEFFERSON, and Mr. NEAL of Massachusetts.
H.R. 1754: Mr. JONES of North Carolina.
H.R. 1756: Mr. OWENS.
H.R. 1776: Mr. SHAYS, Mr. FOLEY, and Mr. BRADY of Texas.
H.R. 1787: Mrs. EMERSON, Mr. ETHERIDGE, Mr. WELDON of Pennsylvania, Mr. FALCOMA, Ms. KILPATRICK, Mr. KING of Iowa, Mr. BAKER, Mr. MCINNIS, and Mrs. JO ANN DAVIS of Virginia.
H.R. 1796: Mr. SANDLIN, Mr. LARSEN of Washington, and Ms. WATERS.
H.R. 1812: Mr. GRIJALVA, Ms. BERKLEY, Mr. ROTHMAN, Mr. PALLONE, Mrs. CAPPS, Mr.

MATSUI, Ms. JACKSON-LEE of Texas, Ms. MILLENDER-MCDONALD, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. KENNEDY of Rhode Island, Ms. DELAURO, Mr. STARK, Ms. BALDWIN, Mr. BLUMENAUER, Mr. WAXMAN, and Mr. BAIRD.
H.J. Res. 4: Mr. CARSON of Oklahoma, Mr. SCOTT of Georgia, Mr. UPTON, Mr. BARTLETT of Maryland, and Mr. MOLLOHAN.
H.J. Res. 46: Mr. BOOZMAN.
H. Con. Res. 49: Mrs. CAPPS, Mrs. JO ANN DAVIS of Virginia, Mr. SHAYS, and Mr. GERLACH.
H. Con. Res. 56: Ms. LEE, Mrs. MCCARTHY of New York, Mr. MORAN of Virginia, Mr. HAYWORTH, Mr. WAXMAN, Mr. RYAN of Ohio, Mr. MCGOVERN, Mrs. MALONEY, Mr. PICKERING, and Ms. CORRINE BROWN of Florida.
H. Con. Res. 98: Mr. CHABOT, Mr. FLETCHER, Mr. CARSON of Oklahoma, and Mr. CAPUANO.
H. Con. Res. 110: Ms. ESHOO and Ms. SCHAKOWSKY.
H. Con. Res. 111: Mr. OLVER, Ms. WOOLSEY, Ms. LOFGREN, Mr. CAMP, Mr. GEORGE MILLER of California, Mrs. MYRICK, Mr. DEFazio, and Mr. WATT.
H. Con. Res. 116: Mr. GARRETT of New Jersey.
H. Con. Res. 119: Mr. BARRETT of South Carolina, Mr. BURTON of Indiana, and Mrs. KELLY.
H. Con. Res. 130: Mr. STARK.
H. Con. Res. 147: Ms. ESHOO.
H. Con. Res. 150: Mr. MCINNIS, Mr. CARSON of Oklahoma, and Mr. GRAVES.
H. Con. Res. 152: Mr. SHAYS.
H. Res. 58: Mr. HOEFFEL and Mr. BRADY of Pennsylvania.
H. Res. 59: Ms. ESHOO.
H. Res. 60: Mr. GILCHREST, Mr. STENHOLM, Ms. KAPTUR, and Mr. VITTER.
H. Res. 65: Mr. MCGOVERN, Mr. LANTOS, Ms. LEE, Mr. FROST, Ms. SOLIS, Mr. BACA, Ms. WOOLSEY, Mr. WU, Mr. STRICKLAND, Mr. TIAHRT, Mr. ABERCROMBIE, Mr. WAXMAN, Mrs. JONES of Ohio, Mr. DOOLEY of California, Mr. STARK, Mr. OWENS, Mr. CONYERS, Mr. SCHIFF, Mr. FOSSELLA, Mr. SNYDER, and Mr. RANGEL.
H. Res. 136: Mr. SCHROCK, Mr. BAKER, Mr. PASCRELL, and Mr. RENZI.
H. Res. 161: Mrs. JOHNSON of Connecticut.
H. Res. 173: Mr. WHITFIELD, Mr. HAYES, Mr. SOUDER, Mr. DINGELL, Mr. FOLEY, Mr. BISHOP of Utah, Mr. THOMPSON of California, Mr. DEFazio, and Mr. HINOJOSA.
H. Res. 193: Mr. KLECZKA, Mr. BECERRA, Mr. DELAHUNT, Mr. KIRK, Mr. BROWN of Ohio, Mr. MATSUI, Mr. ROGERS of Michigan, Mr. GRIJALVA, Ms. KAPTUR, and Mr. CLAY.
H. Res. 194: Mr. HONDA, Ms. HOOLEY of Oregon, Mr. INSLEE, Mr. OWENS, Mr. PENCE, and Mr. SOUDER.



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No. 62

Senate

The Senate met at 10 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

The PRESIDENT pro tempore. Today we are privileged once again to have our guest Chaplain, Rabbi Arnold E. Resnicoff, U.S. Navy, to lead us in prayer.

PRAYER

The guest Chaplain, Rabbi Arnold E. Resnicoff, offered the following prayer:

Almighty God, this week we remember nightmares, to reaffirm our dreams. On this Holocaust Remembrance Day—during this week we have set aside—our Nation recalls victims of the Holocaust: a Holocaust brave Americans took up arms to fight and many gave their lives to end. And so, before this session starts, and during a time when our brave men and women still risk their lives for better times, we pray the day will come when the lesson of this horror, the lessons of all nightmares, help make our dreams of peace come true.

From the Holocaust we learn: when human beings deny humanity in others, they destroy humanity within themselves. When they reject the human in a neighbor's soul, then they unleash the beast, and the barbaric, in their own hearts.

And so, remembering, we pray: if the time has not yet dawned when we can proclaim our faith in God, then let us say at least that we admit we are not gods ourselves. If we cannot yet see the face of God in others, then let us see, at least, a face as human as our own.

You taught us through the Bible—taught that life might be a blessing or a curse: the choice is in our hands. So many people, so many peoples, have felt the curse of life too filled with cruelty, violence, and hate. As Americans we pray—we vow—to keep alive the dream of better times; to keep our faith that we can be, will be, a force for good; a force for hope; a force for freedom; a blessing, not a curse—to all our people; to all the world.

And may we say, Amen.

PLEDGE OF ALLEGIANCE

The Honorable TED STEVENS led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today the Senate will resume consideration of the nomination of Jeffrey Sutton to be a circuit judge for the Sixth Circuit. Under the previous consent agreement reached, a vote will occur on the confirmation of that nomination at 12 noon.

The Senate will recess for the weekly party lunches from 12:30 until 2:15 p.m.

Following the confirmation of Jeffrey Sutton, it is my intention to resume consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit. It will be my hope that we can reach a time agreement for the vote on this judicial nomination.

In addition, there are a number of other legislative items that will be scheduled for action during the remainder of this week, including the bio-shield bill, the digital and wireless technology legislation, State Department authorization, and other legislative or executive items that can be cleared over the coming days.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, if the distinguished majority leader will allow me to direct a couple of questions to him. First, we have asked before. Do

you think there is any way we can have the vote on the Sutton nomination after the caucus? We have a lot of people who want to be able to discuss it in our caucus. I don't think it would in any way hurt the schedule or hold up getting to the Owen nomination by 20 minutes or half an hour, but there would be a number of Senators—especially Senator HARKIN—who would deeply appreciate it if we could have a vote at 2:15. We would even be willing to shorten our caucus to expedite the time on this and vote at 2 rather than 2:15.

Mr. FRIST. Mr. President, I have been made aware of the request. I talked to our caucus and our leadership and really would much prefer to go ahead with the vote as scheduled. A number of people made plans to come back from out of town specifically for this vote recognizing that we had made it clear the vote would be at 12 noon today. Out of consistency, when I set a time for a vote, people alter their plans very specifically to make sure they are here. Some simply can't be back, and I understand that as well. But we will go ahead and have that vote at noon today.

Mr. REID. Mr. President, we have been advised by the leader's competent floor staff that this afternoon, during the debate of Priscilla Owen, it will not be necessary for somebody to be here all day. I will be happy to be here, as the distinguished leaders know, but we would hope there would not be a vote unless the majority leader gives us some notice.

Mr. FRIST. Mr. President, for today, that is absolutely fine. We will work in good faith. The objective with all of these nominees is to have good discussion as we go forward. We want to make sure that occurs. I expect today that we will not have a vote this afternoon, and we will notify leadership in advance.

Mr. REID. One final note: We have worked during the recess. I think the

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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position of the minority is the same as it was prior to the break. We don't think there will be any time that would be agreeable on the Owen nomination. That being the case, is it the expectation of the majority leader that he would file cloture on the Priscilla Owen nomination sometime today or tomorrow?

Mr. FRIST. Mr. President, let me get back with the leadership on the other side of the aisle. We, of course, would very much like an up-or-down vote on Priscilla Owen. If not and it is necessary for us to file cloture, it will be done either sometime this week or next week. The final decision has not been made. We would like to discuss this with you, and we will let you know once that decision is made.

Mr. REID. Finally, Mr. President, we are willing to work with the majority on judges. We have a number of circuit judges on which we think we can move very quickly. The leadership should know that.

Mr. FRIST. Mr. President, in response, I recognize that. We are making slow but consistent and steady progress. We have the vote today. We have made reasonable progress up until today. I think as judges are put forward, we will continue to consider them in an orderly way in the Senate. That being said, I am very hopeful that we can ultimately have an up-or-down vote on Miguel Estrada, someone whom we believe is the embodiment of the American dream. We will work in that regard. I hope we will be able to have an up-or-down vote on Priscilla Owen as well.

RESERVATION OF LEADERSHIP TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

EXECUTIVE SESSION

NOMINATION OF JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session and resume consideration of Executive Calendar No. 32, which the clerk will report.

The assistant legislative clerk read the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon shall be equally divided between the chairman of the Judiciary committee and the Senator from Iowa, Mr. HARKIN.

The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that Senator DURBIN be recognized on the Democrats' time first for 20 minutes. Our next speaker

would be Senator SCHUMER for 15 minutes. There will be a Republican in between, I am sure, if that is the wish. But I ask unanimous consent that our first two speakers be lined up accordingly.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New York.

Mr. SCHUMER. Mr. President, I ask unanimous consent that I immediately proceed after Senator DURBIN for 15 minutes—that I follow him.

Mr. REID. The Senator from New York understands—

Mr. STEVENS. I reserve the right to object.

Mr. REID. There will be a Republican in between him and Senator DURBIN.

Mr. SCHUMER. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Illinois.

Mr. DURBIN. Mr. President, this week appears to be "Judge Week" in the Senate. We are going to focus on judicial nominations.

It is interesting, as I traveled across Illinois over the last 2 weeks, not a soul raised a question about Federal judges—the debate here in the Senate. It does not seem to be on the radar screen of average Americans. It is certainly an important issue; it is one that we focus on as political parties, and it is one that I think is timely when we consider the nominees who are before us.

For the average American, it may not mean much, it may not mean much until that day comes that a decision is handed down by a court that has an impact on families across America, and businesses and individuals, because Federal judges have extraordinary power. The men and women we are considering in the Senate are being given lifetime appointments to the Federal bench. If they are good, they will be good for a lifetime; if they are bad, they will be bad for a lifetime. Most of us in the Senate will come and go, and they will still be sitting on the bench with gavel in hand, in their black robes, meting out justice according to their own values. So it is important that we ask questions and make inquiries as to what those values might be.

The judge before us today is Jeffrey Sutton. If you read about Jeffrey Sutton, you find a man of extraordinary intellect. He is a partner in a large Columbus, OH, law firm, and served as State solicitor in Ohio. He is a professor at Ohio State University Law School. He has been a law clerk for Supreme Court Justices Scalia and Powell, and he has done a number of other things which suggest that this is a thoughtful man.

There is no question as to whether he is up to the job intellectually. The question is whether he brings to the job the values that are in the mainstream of America. I would suggest that he does not.

As a result of that, I will oppose his nomination. I would like to spell out

exactly why. In the cases he has taken, and the legal arguments he has advanced, Jeffrey Sutton has shown a consistent pattern of insensitivity to civil rights, human rights, and the rights of minorities, women, and the disabled in America.

Time and again, he has asked the Federal courts to remove the authority of Congress to create laws involving individual rights and liberties and to give compensation to those who have been wronged. That is the hallmark of his legal career. That is who Jeffrey Sutton is. That is what he believes.

Given a lifetime appointment to this bench in the Sixth Circuit Court of Appeals, we can predict, with some degree of certainty, he will continue in his quest to try to deny those coming before the court the right for a day in court if they happen to be disabled, victims of age discrimination, victims of civil rights discrimination, and the like.

His hearing was held on January 29, with two other controversial nominees: Deborah Cook, also a nominee for the Sixth Circuit, and John Roberts, for the DC Circuit. It was the first time since 1990 that the Judiciary Committee held a hearing on one day for three circuit court nominees. It is unfortunate. We had some time to ask Professor Sutton questions, but not as much time as we needed. I sent some written questions to him and have those responses.

But if you look at the interest in his nomination, you will find an extraordinary lineup of organizations that oppose Jeffrey Sutton. It is hard to believe, but true, that 70 national and nearly 400 local organizations oppose Jeffrey Sutton for confirmation to the Circuit Court of Appeals. Twenty-three of them are based in Illinois. The disability community is particularly alarmed. And you will understand that as I talk about some of the cases he has taken.

In our history, seldom do people stand and announce publicly they are prejudiced. That is not something you hear very often. There are a lot of things people say. Usually the shield, the explanation, and the rationale for prejudice in America is to say: I am standing up for States rights. Boy, that has been the clarion call from those who oppose universal concepts and principles of human rights and civil rights, I guess dating back to our debates in the Senate and the House about slavery, which led to the Civil War. You remember that, of course.

The States argued that the Federal Government could not impose on them a standard relative to slavery; it would be a matter of States rights. It reached such a high peak of anger and frustration that it led to the secession of States, a civil war, and the bloodiest moment in the history of the United States.

The end of that war did not end the debate. Those who continue to oppose civil rights and human rights—whether

they are for people of color; for those of different ethnic backgrounds, different genders, or sexual orientation; or for those with certain disabilities—never stand up and say: I am really prejudiced against these people; I just don't like these people. They say: No, no, we are for States rights. We don't believe the Federal Government should have a standard across America for all people who are in this category. We think each State should make up a standard.

That is what former Senator Hubert Humphrey referred to as "the shadow of civil rights"—a shadow cast over America after the Civil War, until *Brown v. Board of Education*, a case handed down in 1954 across the street at the U.S. Supreme Court. It was finally after that decision that, as Senator Humphrey once said, we came out of the shadow of civil rights into the bright sunshine of human rights.

Jeffrey Sutton has never come out from under that shadow. In fact, he has made a legal career of extending that shadow over more and more Americans so that they would have less likelihood of prevailing when they were discriminated against. While Mr. Sutton's record is devoid of obvious manifestations of prejudice, his vision of a Federal Government with diminished power to enforce civil rights would achieve the goals of those who oppose equality.

Mr. Sutton has been front and center in some of the most important Supreme Court cases of our generation. He personally argued five of the most significant cases in the past decade before the Supreme Court. That attests to his legal skill, but it certainly speaks volumes, as well, as to what is in his heart, what he believes, and where he would stand as a judge if confronted with similar issues. And in every one of these cases, Jeffrey Sutton asked the Supreme Court to restrict the rights of the disabled, women, the elderly, the poor, and racial and ethnic minorities. He is consistent and, from my point of view, consistently wrong.

Consistently he has argued before the Supreme Court to take away the power of individuals to recover for discrimination. One of the most glaring cases is the Board of Trustees of the University of Alabama v. Garrett. I took a look at the published decision in this case because I wanted to read specifically what was at issue.

We can talk a lot about States' rights and discrimination, and the Americans with Disabilities Act, but let me read you what was at issue in this case so you understand where Jeffrey Sutton was in this argument.

This is a case involving a woman, a respondent, Patricia Garrett. She is a registered nurse, and she was employed as the director of nursing, OB-GYN and Neonatal Services, for the University of Alabama in its Birmingham hospital. I might say parenthetically, that this is an extraordinarily well respected medical institution. Patricia

Garrett was director of nursing at this hospital, think of that—quite an achievement in her career.

In 1994, Patricia Garrett was diagnosed with breast cancer, subsequently underwent a lumpectomy, radiation treatment, and chemotherapy. Garrett's treatments required her to take substantial leave from work because of this cancer. Upon returning to work in July of 1995, Patricia Garrett's supervisor informed her that she would have to give up her position as director of nursing at the hospital.

Garrett then applied for, and received, a transfer to another, lower paying position as a nurse manager. She brought a case under the Americans with Disabilities Act, and she said: I think the Federal Government passed a law that said you cannot discriminate against a person because of a disability or an illness—exactly the situation that she faced.

I voted for that law. I remember it well. It brought together an extraordinary bipartisan coalition.

In a few moments, the Senate will hear from my colleague, the Senator from Iowa, TOM HARKIN. He was one of the leaders on that bill. Senator Bob Dole was a leader as well. It was bipartisan legislation which, for our generation, said: We will open up opportunities for a group of Americans who have been subject to discrimination because they have a disability or illness.

We passed the bill overwhelmingly with a bipartisan vote. I believed we were establishing a new frontier of civil rights. I was proud to be part of the debate. I contemplated, in voting for it, as many Senators did, people such as Patricia Garrett, a woman who reached a pinnacle of success in her career as director of nursing at an extraordinary hospital in Alabama, learned she had breast cancer, went through the anguish and pain of treatment, successful treatment, only to return to work after her illness and be told that she had been demoted from her position and would suffer a pay cut. She felt she had been wronged. I agreed with her.

When she turned to sue the State of Alabama, which managed the university hospital, she ran into a brick wall named Jeffrey Sutton. Jeffrey Sutton, the nominee before us, stood up and said: Patricia Garrett and people like her, who have been discriminated against by States such as Alabama, have no right to recover under the Americans with Disabilities Act. This was a decision made by Mr. Sutton to take a case which involved more than Patricia Garrett. It involved a basic principle of law. Time and again and this case stands out because the facts are so compelling that has been the story of Jeffrey Sutton's legal career.

In another disability case, *Olmstead v. LC*, Mr. Sutton argued it was not a violation of the Americans with Disabilities Act to force people with mental disabilities to remain institutionalized even when less restrictive settings

were available. Thank God the Supreme Court rejected Jeffrey Sutton's twisted logic in that case 7 to 2. Only Justices Scalia and Thomas, the most—let me be careful of my language—conservative members of the Supreme Court agreed with Jeffrey Sutton's twisted logic.

In *Alexander v. Sandoval*, Jeffrey Sutton argued that private individuals did not have the power to bring lawsuits under the disparate impact regulations of title VI of the Civil Rights Act of 1964. The Supreme Court agreed with Sutton by the same 5 to 4 majority we saw in the Garrett case. As a result of his advocacy, it is now impossible for individuals to use title VI to challenge the disproportionate impact of many wrongful situations; for example, the dumping of toxic waste in poor minority neighborhoods. Congratulations, Mr. Sutton. You stood up to stop poor families exposed to toxic waste from bringing suit against those responsible for it and who chose their neighborhoods as the dumping grounds. I am sure that is a feather in his cap with some people but not with this Senator.

It is impossible to use title VI—because of Jeffrey Sutton's argument—to challenge educational tests or tracking procedures that disproportionately harm minority students.

Sutton claims that he was just being an advocate in these cases. He says he just wanted to develop a Supreme Court litigation practice. While I accept the principle that it is wrong to ascribe the views of a client to that client's attorney, I believe it is appropriate to consider which clients an attorney chooses to represent. Time and time again, Jeffrey Sutton, who is asking for a lifetime appointment to sit on a bench in a Federal courtroom and decide the fate of people such as Patricia Garrett and victims of discrimination, has chosen to come down on the wrong side of history.

Another indicator of Mr. Sutton's conservative ideology is that he is a member and, indeed, an officer of the famed Federalist Society, an organization with a mission statement claiming:

Law schools and the legal profession are strongly dominated by a form of orthodox liberal ideology which advocates a centralized and uniform society.

Mr. Sutton, an officer of the organization, came before us as a nominee—no surprise. If you scratch the DNA of most of President Bush's judicial nominees, you will find the Federalist Society chromosome. I think about two-thirds of President Bush's circuit court nominees who have been brought before the committee have to pass the test of being Federalist Society true believers. Jeffrey Sutton goes beyond membership. He is an officer of the organization.

Fewer than 1 percent of attorneys across America belong to the Federalist Society. But if you want to make it big in President Bush's White

House and make it to a high level, you better show credentials with the Federalist Society. That is your ticket to being considered for a nomination. Mr. Sutton had his ticket punched, as did Miguel Estrada, Priscilla Owen, Timothy Tymkovich, Jay Bybee, and Carolyn Kuhl. Jeffrey Sutton is part of a pattern of conservative ideologues that President Bush has nominated to the Federal court.

The Sixth Circuit is evenly balanced now, but the President wants to change it. He has already nominated six staunch conservatives to that court. The President is using ideology as a basis for his nomination, and the Senate should reject it.

Mr. Sutton's legal career has been spent practicing in the shadows of States' rights. He has said repeatedly how much he values federalism. Time and again he has argued important cases on the side of States' rights and not individual rights. We should reject that. We should say that as a matter of principle and practice, the men and women seeking appointments to these circuit courts of appeal, who decide tens of thousands of cases each year and are the gatekeepers for most cases before they come to the Supreme Court, should be people who are moderate, centrist, and reasonable in their views.

Jeffrey Sutton is not one of those nominees. What he brings to this nomination is an extreme viewpoint, one that should be rejected, one that certainly should not be enshrined for a lifetime at the circuit court of appeals.

I was in Alabama several months ago visiting Birmingham, Montgomery, and Selma with JOHN LEWIS, Congressman from Atlanta, GA, who was part of the civil rights movement. He told me, as we visited the shrines of the movement—the street corner where Rosa Parks boarded the bus and refused to sit in the segregated section, and the bridge at Selma where JOHN LEWIS had his head bashed in by an Alabama State trooper trying to protest civil rights discrimination—that none of that could have taken place were it not for one Federal judge with courage, Judge Frank Johnson of Alabama. He stood up to the establishment and other Federal courts and said: We are going to see civil rights in America. He had the courage of his convictions. Because of that courage, people have a chance to succeed in America today that they did not have in the 1960s.

I thought to myself, as I reflected on Frank Johnson, an unheralded hero, how many nominees to the Federal court coming before us today would have the courage and vision of Frank Johnson. Trust me, based on his record, Jeffrey Sutton would not be one of those judges.

Jeffrey Sutton, time and time again in his legal career, has stood in the path of progress toward equality and opportunity. He has denied opportunity to people who are disabled. He has denied people who have been victims of

age discrimination, he has denied people of color and poor people who are looking for their day in court, he has denied them that chance.

How can we in good conscience look the other way? How can we say: this is just another political decision, this man may sit on the bench for a lifetime but it is the President's right to pick his nominees?

I don't think we can. In good conscience, we have to say no to this nominee. We have to say to the White House: Send us moderate people. Do not send us people who will preach intolerance from the bench. Do not send us people who will close the courthouse door to Americans who have no other recourse when it comes to protecting their civil rights.

Jeffrey Sutton is just that sort of nominee. For that reason, his nomination should be rejected. I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? Who yields time?

Mr. HARKIN. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. HARKIN. Will the Chair inform the Senator as to the agreement entered into and what is the time agreement?

The PRESIDING OFFICER. It is the Chair's understanding that the Senator from Illinois is to speak for 20 minutes, followed by a Republican to speak, and then Senator SCHUMER is to speak for 15 minutes.

Mr. HARKIN. Therefore, if time is running, it runs off of the other side.

The PRESIDING OFFICER. That is correct. It is being charged to the Senator speaking, but that would be correct.

Mr. HATCH. I have no objection if the Senator from Iowa wants to speak at this time.

Mr. HARKIN. The order was entered into and Mr. SCHUMER is not here.

Mr. HATCH. It is our understanding if we didn't take the floor, Senator SCHUMER would. He is not here, but I would be happy to yield to the Senator from Iowa. I reserve the remainder of our time.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. DEWINE. Mr. President, if I may ask the Chair to state the parliamentary situation now on the time. My understanding is that we had a total of 2 hours.

The PRESIDING OFFICER. Under the previous order, the time reserved until 12 noon is to be equally divided between the chairman of the Judiciary Committee and the Senator from Iowa, Mr. HARKIN. The Senator from Illinois was recognized first under the agreement. Now the Republican side has the opportunity to respond, followed by Senator SCHUMER of New York.

Mr. HATCH. Mr. President, I reserve the remainder of our time. Senator SCHUMER is now here and he can go ahead.

Mr. HARKIN. Mr. President, parliamentary inquiry: Since the other side is not speaking, does their time run?

The PRESIDING OFFICER. If someone is claiming time on the Democratic side, it would be charged to the Democrats.

The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, before I begin, was the Senator from Iowa seeking extra time?

Mr. HARKIN. Under the previous order, how much time was the Senator from New York given?

The PRESIDING OFFICER. He is to have 15 minutes.

Mr. SCHUMER. Could my colleague from Iowa proceed following me?

The PRESIDING OFFICER. By consent.

Mr. HATCH. I have no objection if the Senator from Iowa would like to follow the Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I was informed that I may reserve time for the end of the debate also.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Mr. President, I understand the time is divided equally. Whatever is left, they would use.

The PRESIDING OFFICER. That is correct.

Mr. HATCH. As long as it is on their time, it is fine with me.

The PRESIDING OFFICER. The time will be charged to the Senator speaking.

With that understanding, the Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I rise in opposition to the nomination of Jeffrey Sutton to the Sixth Circuit Court of Appeals. I am going to get into Mr. Sutton in a minute, but I just say that Mr. Sutton is another example of nominees who have been nominated who are not simply mainstream conservatives but are way over to the right side. That is what we have seen in this judicial process. We have seen nominee after nominee after nominee who is not simply a mainstream conservative—we voted for most of those—but a nominee who is a passionate ideologue and whose major view—if you had to underline it all, perhaps with the exception of the issue of choice—is a wish to curtail the power of the Federal Government.

They, in a very real sense, wish to turn the clock back—many not to the 1930s but even to the 1890s. There has been 100 years of history that the Federal Government expanded its power to deal with injustices that occurred with individuals. Keeping in concept with a limited government and a free market society, the general consensus in our society has been to move forward. There have been ebbs and flows. I think there was legitimacy to Ronald Reagan. There had been 50 years of Federal expansion and he said retreat. Since that time I think there is

no groundswell among the American people to turn the clock back to 1930 or 1890. Any attempts by either the President or the Congress to do that are always defeated, or almost always defeated in the long run because those two parts of our Government, the article I part, the Congress, and the article II part, the Executive, are elected.

What has happened here, Mr. President, is that those who wish to turn the clock back—a narrow band of ideologues—have either captured the President's ear or certainly captured the nomination process, and they put forward nominee after nominee after nominee who is beyond the mainstream—not people who disagree on views but people, if they sat in this Chamber, would be more conservative perhaps than any of the 100 Senators. But they are not elected.

The President and his allies thought they could do this without a whimper. Some of us, a year and a half ago, said we were going to question these nominees on their ideological views, on their judicial philosophy. Initially, there was an outcry, but I think basically the argument has been settled.

Certainly, there is a right to ask nominees about their views. Secondly, I believe there is an obligation because the article III section of Government, the judiciary, has huge power. The nominees, if they become members of the bench, are there for life. This is the only chance because the White House doesn't vet their views. In fact, there seems to be a philosophy in the White House to tell the nominees to say as little as possible, and the apotheoses of that was Miguel Estrada, who was like a Cheshire cat and would not say a single thing about his views. But with the problems that Mr. Estrada has had on this floor, I think that philosophy is not going to work.

My guess is if any other nominees to the court of appeals took the strategy of not dare telling us how they think on anything, they would reach the same fate as Mr. Estrada, and they would not be supported by a majority here. They will not be nominated either. Mr. Sutton is one of these nominees. He is not merely a conservative judge. In fact, as I said, conservative judges are nominated—there is a nominee, for instance, in the Fifth Circuit who is pending right now, Judge Prado. Judge Prado is conservative, but he is not out of the mainstream. He is Hispanic. He is nominated to the Fifth Circuit. The majority doesn't bring him forward. Why? Because they know he will be supported by the majority on our side. Instead, we are going to refight the nomination of Priscilla Owen, one of the judges like Judge Sutton who is way over.

The point is that we are not blocking every judge. I don't have the exact number, but of approximately 110 or 120 of the President's nominees, I have supported around 100. And 111 out of 116 of the President's nominees have been confirmed. I voted for all 111 of them.

There are some who are so far over that we have to say no. Mr. Sutton is such a nominee. I just wish our President would understand this, would treat the Senate with some respect, would understand that the checks and balances in this Government make sense, and that he cannot just give the nominating process to a small group of ideologues, led by the Federalist Society, who have a view—a very respectful view, but it is out of the mainstream, way out of the mainstream.

Very few people believe the Federal Government's role should be cut so dramatically that we go to a Federal Government ala 1930 or 1890. So I believe our fight on these issues is gaining support, not losing it. It is a tough fight to make.

Why not give the President his way? No one knows the damage these nominees will do because they have not heard these cases. I will say that when our caucus rallied and coalesced around opposing the nominee Miguel Estrada and not letting him come to a vote until he was doing what the Founding Fathers wanted him to do, discuss the issues, we did not do it in this caucus for political advantage. We did it because we were so appalled by the arrogance of a nominating process that said the advise and consent process could be ignored and the nominee could say, I cannot answer this because I might have to judge it on a future case. No other nominee has done that.

In fact, yesterday, in my State, I was proud to support a nominee of the President named Judge Irizarry, another Hispanic nominee. I called her into my office and talked to her. I said, give me some court cases you do not like. And without flinching, this woman, educated, I believe, at Columbia and Yale, an excellent lawyer, an excellent judge, told me two cases, one she disagreed with from the right, one she disagreed with from the left. I told the White House, let's move her.

So this is not an issue of Hispanics or women. This is not an issue of being obstructionist. This is very simply an issue about the Constitution and about some degree of balance that ideologues—neither ideologues of the far left nor ideologues of the far right should capture the judiciary, because when they do, they do not interpret the law, which is what the Founding Fathers wished them to do but, rather, they make law.

The great irony is the conservative movement in the 1960s and 1970s had a revulsion towards judge-made law. I remember arguing with some of my classmates in college about this. All of a sudden it has flip-flopped and now activism on the rightwing side is okay, turning the clock back, which certainly in an Einsteinian way, and I think in a general way, is as much changing direction as moving it forward, is not activism but fidelity to the Constitution? Judge after judge will reverse precedent—that is what activism is—when they should not.

So I believe, with every bone in my body, with every atom in my body,

that we are doing the right thing here—that we are doing more than the right thing; we are doing the Nation a service. If we succeed, no one will ever know because the kinds of cases that would be ruled on will not come to the fore. If we fail, people will know, but it may not be for 5 or 10 years. It is the right thing to do. We know it, and I believe most people over there know it.

These are not nominees who are mainstream. They are not the kinds of nominees Bill Clinton generally nominated, people who were to the liberal side but not out of the mainstream, not a whole lot of legal aid lawyers or ACLU advocates but, rather, partners in law firms and prosecutors. That was the Clinton nominee.

Here, it is nominee after nominee who sort of with a passion wishes to say the minute the Federal Government moves its fingers, chop them off.

Let's talk a little bit about Mr. Sutton, because I think he fits that extreme mold. Now to his credit—and I want to give him credit—he answered questions when we asked him. He was not silent like Miguel Estrada. I do not hear anybody saying he is violating Canon No. 5 of the lawyers' ethics by saying how he felt on certain issues. That was why Mr. Estrada would not tell us things.

In general, some of the cases he has talked about advance an agenda that is antirights, antifairness and, in my judgment, antijustice. Probably the most notorious is Patricia Garrett. There, he sought and obtained—this was not just someone who looked up his name in the phone book, went and looked up an "S" and came to Sutton. He went out of his way to find the opportunity to oppose a breast cancer patient's bid to vindicate a right to keep her nurse's job. In other words, she was fired because she had breast cancer.

He went so far as to argue the Congress had no power under the 14th amendment to protect the disabled. Whether you agree or disagree with the view, it is clearly an attempt to say the Federal Government, in the kind of general, gradual, fitful progress we have made to protect the rights of individuals, should be pushed back.

In the case of Westside Mothers, Mr. Sutton again grabbed the opportunity to oppose a group of mothers whose children were being deprived of services under Medicaid. Mr. Sutton apparently believed impoverished children should not have the right to force the State they live in to provide them services that Congress guaranteed to them. Again, cut the Federal Government back.

In another case, Mr. Sutton sought the opportunity to file a brief arguing Congress does not have the power to address violence against women and argued that significant portions of the Violence Against Women Act were unconstitutional.

Do my colleagues think most of America agrees with that? Do they think most of America thinks Congress

has no right to legislate, particularly when there are findings that say this is interfering with commerce and interfering with women's rights to hold jobs and be productive citizens? It is sort of obvious if a woman is beaten at home, that that will interfere. Do my colleagues think most Americans agree with Mr. Sutton to say there should be no Federal power to do it?

The bottom line is, in case after case, Mr. Sutton has sought the opportunity to represent States rights at the expense of individual rights. He has sought the opportunity to seek injustice at the expense of basic fairness, guided by some ideological construct that the Federal Government is bad, it is evil, it grabs too much power, in ways that most Americans, 95 percent—99 percent, maybe of all Americans—would have no problem with.

The PRESIDING OFFICER. The Senator from New York has used 15 minutes.

Mr. SCHUMER. I ask unanimous consent that I be given an additional 5 minutes of our time.

The PRESIDING OFFICER. Is there objection?

Mr. HARKIN. How much time do we have remaining?

The PRESIDING OFFICER. Nineteen minutes 38 seconds.

Mr. HARKIN. Five more minutes.

Mr. SCHUMER. I thank my colleague for his generosity.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Now, it is no exaggeration to say Jeffrey Sutton is one of the architects of the rightwing revolution that is taking place in our Federal courts. In hearings before the Judiciary Committee, he claimed he was trying to build a Supreme Court practice and he cannot be condemned for the views espoused in his advocacy, because lawyers have to represent their clients. Generally, that is true. If Mr. Sutton were a public interest lawyer taking all cases that come to him, I would agree. If he were a junior associate taking the cases partners assigned to him, I would agree. If he had a diverse array of cases taking different ideological perspectives, I would agree. But the cases Mr. Sutton took reflect a clear agenda. He believed in what he was doing.

In one interview, Mr. Sutton said: I love this Federalism stuff. It was obvious to me, at least, that at the hearing this was a personal agenda for him. He has taken positions far beyond what his clients' interests have demanded. His record, viewed as a whole, makes clear he has an agenda and his career has been devoted to advancing that agenda.

Frankly, I do not believe someone with such strong against-the-grain ideological views will simply set them aside to become a fair and neutral judge. That is a pretty tough thing to do.

So the bottom line is we have another nominee from the extreme, an-

other nominee clearly bright, clearly accomplished—I have no dispute with his intellectual character or his ethics, but he comes from way outside the mainstream. It is a pity this judge divides us, does not unite us. If every judge the President nominated were that way, I would say it is not much of an argument, but it is just some. So I would urge my colleagues to oppose Mr. Sutton.

Frankly, I think a large number will. I think because Mr. Sutton answered questions and other reasons that there is not going to be a prevention of his nomination from coming to a vote. He certainly adds weight and burden to future nominees because many Members want to seek balance on the courts. Jeffrey Sutton does not bring a bit of balance to the courts. It continues the push, bringing them far over to the right side to eliminate the powers of the Federal Government or to greatly reduce the powers of the Federal Government at a time when only a small band of ideologues is demanding just that.

I yield the remainder of the time I have not used to my colleague from Iowa, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

If no one yields time, time will be charged equally to both sides. Senator HARKIN from Iowa has 16 minutes and the chairman of the Judiciary has 53 minutes.

The Senator from Iowa.

Mr. HARKIN. Mr. President, it is an odd game that is being played here by the majority party of the Senate. First, we asked a vote be put off until after the caucus this afternoon. The majority leader could not even do that. Why do they want to rush a vote at noon after we have been gone for 2 weeks? Senators have just come back. Some Members wanted the opportunity to talk about Mr. Sutton in our caucuses. The majority leader says no, we will vote at noon; we cannot vote at 2:15. We will not have any other votes today but they want to ram this through and vote at noon. I know our assistant minority leader, Senator REID, asked if we could have the vote later on and the majority leader objected. Why? What are they afraid of?

Again, I point to an incident that happened today and yesterday that again illustrates why people with disabilities have every reason to be out here in the lobby today—and the reception room—opposing Mr. Sutton's nomination. We had a room reserved, the Mansfield Room, for a press conference this morning for disability groups. Somehow yesterday it was taken away from us. We do not know why; it was just taken away. Then we were told we could use the LBJ Room—fine—at 10 o'clock. People with disabilities lined up outside to come in to that press

conference at 10 o'clock, but they were not allowed to come in until 9:30. People with wheelchairs, people what seeing eye dogs, people who are hearing impaired, standing in line out there to try to come in here to exercise their legitimate rights; yet they are held up out there because it takes a long time to process them and get them through.

When I heard this was happening, I called Mr. Pickle, the Sergeant at Arms, and he rushed right down there and he made sure they got through. I thank Mr. Pickle.

But why do we have to do that? The people who are down there should have been treated just like a banker, a financier, or K Street lobbyist who come up here when we have votes on the floor. And they were not—until Mr. Pickle went down there and straightened things out.

People with disabilities struggle every day just to get through. We had years, decades, centuries of discrimination against people with disabilities in this country, so we passed the Americans with Disabilities Act in 1990. Mr. Sutton, the nominee before the Senate, says it is not needed. It was not needed? On National Public Radio he said "disability discrimination in a constitutional sense is difficult to show."

We did not think it was that difficult: 25 years of study by the Congress, starting in 1965 with the National Commission on Architectural Barriers, through 1989—25 years. And then Congress, recognizing that we had left out of the Civil Rights Act of 1964 people with disabilities.

After all the studies—we had 17 hearings, we had a markup by five separate committees, 63 public forums across the country, held by Justin Dart, who was President Reagan's appointee to head the National Committee on People With Disabilities. Justin Dart collected over 8,000 pages of testimony of individual acts of discrimination against people with disabilities in this country. Attorney General Thornburg testified on behalf of it and said it was needed, along with Governors and State attorneys general. We had over 300 examples of discrimination by State governments in the legislative record—300 examples of discrimination by State governments. Yet when Patricia Garrett of Alabama was fired from her job because of her disability, Mr. Sutton, in representing the State of Alabama, just said that is tough; we do not need the ADA. He said it is not needed. Well, Congress thought it was needed and people with disabilities all over this country knew it was needed also.

I make it clear, I am not accusing Jeffrey Sutton of having any personal animosity toward people with disabilities. I spent an hour and a half with him. I don't believe he does. But what he does have is a very narrow, rigid view of the law which he summed up best when he said that in the contest involving these laws between the Federal Government and States rights, it

is a zero sum game. In other words, if a claimant on civil rights under a Federal civil rights statute, for example, such as the Americans with Disabilities Act, if that person wins against a State that does not protect those civil rights, then somehow the State loses. The Federal Government wins and the State loses. He says it is a zero sum game.

What an odd view to have that somehow if the civil rights of people with color, the civil rights of women, the civil rights of the elderly, the civil rights of people with disabilities, if somehow they are constitutionally upheld by the Federal courts, a State loses—an odd, odd view. But that is Mr. Sutton's view, a narrow, rigid, interpretation of the law that does not recognize what we did, that does not recognize the history of discrimination, only his own ideology about how that law should be interpreted. If civil rights wins, the State loses, according to Mr. Sutton.

This is what the New York Times said yesterday morning in the editorial: "Another ideologue for the courts." Not that he is a bad man. I am not saying he is a bad man at all. I am just saying his views are antithetical to civil rights laws in this country. That is why over 400 civil rights groups in this country have come out in opposition to Mr. Sutton. Never before have all these groups come together to oppose a nominee to the Federal bench. Maybe this group or that group might have opposed this judge or that judge, but never before have all 400 come together in opposing Mr. Sutton. Yet we are told we have to rush the vote. We have to vote. We cannot debate it. We can't talk to our caucuses; we have to vote at noon.

We hear all this talk that Mr. Sutton was just representing his clients. He wasn't just representing his clients. In his writings, in his statements, in his sayings outside the courtroom, he says his ideology, his belief is that it is a zero sum game. He believes in this federalism stuff.

He says any congressional staffer with a laptop can make constitutional law. That is not what we did when we passed the Americans with Disabilities Act. We spent years documenting discrimination against people with disabilities.

People may get up and say, "I voted for the Americans with Disabilities Act." "I cosponsored the Americans with Disabilities Act." Fine, we appreciate it. It passed the Senate 90 to 6. But I don't understand how you can say you voted for it, you supported the Americans with Disabilities Act, but now you want to put a judge on the bench who wants to undermine that law and has so stated and has so written, that he would be willing to undermine it in preference to States rights.

In 1948, the then-mayor of Minneapolis, Hubert Humphrey, stood up in front of the national convention of the Democratic Party when then

Strom Thurmond, who later became a Senator, walked out, took the South with him, and formed the Dixiecrat Party because they didn't like the civil rights plank in the Democratic platform in 1948. It was then-Mayor Humphrey who got up before that Democratic convention and said: It is time we get out of the shadow of States rights and into the sunshine of human rights.

He was right. The history of this country since then has been one of ensuring the civil rights and civil liberties of our citizens.

I say to my fellow Senators, when you come over to vote, go through the reception room. You will see dozens of people there: Hearing impaired, some who are blind, people who use wheelchairs—people with all forms of the different types of disabilities. They are there. Walk by them and tell them you are going to vote for Jeffrey Sutton. Tell them you are going to vote for Jeffrey Sutton because you believe their individual States will protect their civil rights; that the individual States will take care, will make sure they are not discriminated against.

Mr. REID. Will the Senator yield for a question?

Mr. HARKIN. I will.

I just hope Senators will go by and, rather than saying they are going to vote for Sutton, will strike another blow for civil rights in this country and tell the assembled people with disabilities out here in this reception room that we are going to say no to Mr. Sutton and we are going to set a higher standard for our Federal judges.

Let's defeat this nominee, not on a personal basis, but let's have judges who will understand that upholding people's civil rights against States rights is not a zero sum game. When we win on our civil rights, we all win.

I am glad to yield to my friend from Nevada.

Mr. REID. I said yesterday evening as we closed how I appreciated the statements of the Senator from Arkansas yesterday and how the statements were based on substance. A lot of times when we come to the Senate floor we talk in the abstract. You have not. I was touched when I heard the Senator from Iowa speak of his brother who was sent to a school for the deaf and dumb—even though he was not dumb; he just couldn't hear.

Mr. HARKIN. That is true.

Mr. REID. I want the Senator to answer this question. The Senator from Iowa remembers Congressman Jim Bilbray, a Congressman from Nevada. When he was living back here, he had a daughter who had graduated from high school and invited one of her friends from Nevada to come back to Washington. They were trying to find accommodations for her friend, who was a paraplegic. He was confined to a wheelchair. They called over 50 hotels and motels before they could find a place to stay for this young man with his wheelchair. That was prior to the Americans with Disabilities Act.

Is the Senator from Iowa describing what my friend Congressman Bilbray's daughter went through, trying to find State-protected rights for people with disabilities?

Mr. HARKIN. I say to my friend from Nevada, when my brother Frank was out of school and in the workforce, I remember I was in the military. I was a Navy pilot. I was down in Florida. I wanted my brother to come down and visit me on one of his vacations. He didn't want to do that. I was wondering why.

He said, You know, I am really concerned. I can get a car; I have a driver's license. But he was afraid of staying in hotels and motels because he was concerned because he had read about a couple of motel fires. He said, What if I am in a motel or hotel and there is a fire? I won't be able to hear anything. So he was afraid to travel.

Today when you go to hotels or motels, they have lights that flash and modest little improvements to make sure people with disabilities can basically enjoy the same things we do.

The Senator from Nevada has accurately described what this country was like before the Americans with Disabilities Act. Architectural barriers? My nephew is an architect. After the act was passed, I remember my nephew said, Now we can start designing buildings the way they ought to be designed, with universal accessibility. That is happening today.

There was a young child turned away from a zoo because the child had cerebral palsy. The child was turned away from the zoo because they were afraid that child would scare the chimpanzees. That is a true story.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARKIN. I ask unanimous consent for 5 more minutes.

Mr. REID. Mr. President, I had spoken to the majority staff. The majority leader wants the vote at noon. However, the majority, of course, has indicated if we need another 5 minutes on each side, that would be fine. So I ask unanimous consent the time for the vote be scheduled at 12:10, rather than 12, and that each side have an additional 5 minutes.

The PRESIDING OFFICER (Mr. ENZI). Without objection, it is so ordered.

The Senator from Utah.

Mr. HATCH. Mr. President, the distinguished Senator from Iowa is concerned that they have used up their time. I would have yielded him some time from my time if necessary. So there is no desire to mistreat him or to treat him unfairly.

But let's just get the facts here. The nomination of Jeffrey Sutton has been sitting here for 2 solid years and now we hear complaints that we have to have a vote at 12:10 or 12? Come on.

Plus, I get a little tired of hearing from the other side that they seem to be the only people who care about persons with disabilities. I can tell you

that bill would not have passed had it not been for people on this side, and I was one of the leaders. I managed the floor for the Americans with Disabilities Act. I was in all the meetings. I helped to negotiate the compromise with the White House. I helped to resolve the problem. And I feel every bit as deeply about persons with disabilities, and so do all of my Republican colleagues, as do my wonderful friends on the other side, who seem to think they are the only ones who care about persons with disabilities, or civil rights.

The fact is that had it not been for the Republican Party, the Civil Rights Act of 1964 wouldn't have passed. I get a little tired of this holier-than-thou attitude—that they are the only ones who understand and they are the only ones who feel deeply about it.

I managed the floor the day we passed the Americans with Disabilities Act—and I went with the distinguished Senator from Iowa outside to meet with the folks who were suffering from disabilities, and we both broke down and cried because we were so happy to have passed that bill. I remember the day that I carried my brother-in-law through the Los Angeles temple in my arms with a great effort because he contracted both types of polio. He contracted polio and became a paraplegic who went on to finish his undergraduate, and went on to receive his master's in electrical engineering. He worked up to the day he died, although he came home every night and got into an iron lung.

So I hope our colleagues on the other side quit suggesting that we don't seem to understand on this side the problems people have with disabilities. We do understand.

Jeffrey Sutton worked for his father who ran a school for kids with cerebral palsy. To have him maligned here today and yesterday the way he has been, after 2 years of sitting here waiting to get a chance to have a vote up or down, goes a little bit beyond the pale.

I support this nomination of Jeffrey Sutton to be a judge on the Sixth Circuit Court of Appeals precisely because he is a person of capacity, decency, and honor who cares for those with disabilities. He is one of the top appellate lawyers in the country. He has nearly the highest rating from the American Bar Association. They don't give that rating out easily. To have him presented here today as outside of the mainstream—that means outside of the way certain Senators on the other side believe—well, I have to say that isn't the description of the mainstream. Mr. Sutton is one of the top appellate lawyers in the country. He has argued over 45 appeals in this country—appeals for a diversity of citizens in Federal and State courts across the country, including an impressive number—12 cases—before the U.S. Supreme Court. And I hear that he is outside the mainstream because he wins his cases before the Supreme Court? In a couple of

cases, he lost. They disagree with that, too.

I happen to believe the Supreme Court decides what mainstream is, in many cases. They are not always right; I admit that. I was disappointed in some of their decisions. But the fact is he has been more in the mainstream than some of his critics. He understands what mainstream is. In 2001, he had the best appellate advocate record of any advocate before the Supreme Court, arguing four cases and winning all four of them. The fact that my colleagues on the other side do not like the results in those cases—a number of which were decided unanimously by the Supreme Court—shows they are outside the mainstream.

On January 2, 2003, the American Lawyer named him one of the best 45 lawyers in the country under the age of 45. That doesn't sound like somebody who is out of the mainstream.

He is an outstanding nominee. I urge all of my colleagues to support him.

I am happy to yield time to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I thank my colleague from Utah.

After 12 years, in about an hour from now we will finally be voting on the nomination of Jeffrey Sutton, 2 years after his nomination was submitted by President Bush to this body.

I spoke twice yesterday in the Chamber in regard to his nomination, so I will not take much of my colleagues' time today to talk about the nomination. I have listened to my friends' comments—they are my friends—who oppose this nomination. I have a great deal of respect for them. But I believe I had to come back to the floor this morning and respond, however briefly, to their comments.

As I have listened to their comments, it has become clear that the opposition to Jeffrey Sutton really does boil down to this: The fact that the opponents to Jeffrey Sutton, those who in a few moments will vote against his nomination, do not like the positions he has taken in cases he has argued. The Garrett case is a prime example.

Mr. President and Members of the Senate, as I said yesterday, and as I explained in more detail than I will today, I thought Jeffrey Sutton's own argument on behalf of the State of Alabama in the Garrett case was wrong. This Senator from Ohio believed it was wrong. And the U.S. Supreme Court decided that I was wrong. They decided that Jeffrey Sutton and the State of Alabama were right. I happen to still think the Supreme Court got it wrong. I still happen to think Mr. Sutton's arguments on behalf of his client, the State of Alabama, were wrong.

But the fact remains that Jeffrey Sutton was simply acting as a lawyer. He was acting as a lawyer—and in this case a successful lawyer—representing his client. If you analyze the different criticisms and the different cases, what

you will find time after time after time is that he was acting in his capacity as a lawyer, and a pretty successful lawyer.

If we would deny Jeffrey Sutton the ability to serve on the Federal bench because we do not like his clients, or we do not like the position of his clients, or we do not like his advocacy for those clients or the position he took as a good lawyer following the canons of judicial ethics, it would set a very dangerous precedent for this Senate. It would have a chilling effect on the practice of law in this country.

Every lawyer in this country who had any thought or any ambition of ever serving on the Federal bench—I will guarantee that there are an awful lot of them out there who someday will have some dream in their mind of serving on the Federal bench, however realistic or not it might be—each one of them would have to think: Gee, is my representation of this client, is my representation of this particular cause going to somehow affect my ability to get on the Federal bench? Will some judiciary committee, will some U.S. Senator, will some White House in the future look at this and say, oh, that was a bad cause, that was something that was just too controversial?

No, my friends in the Senate, we don't want to go down that path. That is a wrong path to go down. We know better. We know better than to do that.

My colleagues on the other side of the aisle have said: No, that is really not what we are talking about. We are not talking about his representation of someone in court. We are talking about what he said outside of the court. I think we have to look at that.

I submit to Members of the Senate, when you look at that allegation, and when you strip it away and look at the real facts, what you find is, in the cases that we look at, Jeffrey Sutton was still working as a lawyer.

I will give you an example: The famous NPR interview, National Public Radio interview, that has been cited time and time again on the floor by the opponents. There are quotes from Jeffrey Sutton about that, and people say: Oh, look. He was talking on National Public Radio, and he was not serving as a lawyer then, or he was not arguing a case in front of the United States Supreme Court; that must have been his own ideas.

What my colleagues fail to mention is that interview was done in conjunction with an oral argument in front of the United States Supreme Court. If I am not mistaken, I think it was actually the same day he was making the oral argument in front of the United States Supreme Court. He was talking, I believe, about the Garrett case, and he was telling the interviewer from NPR what his oral argument was going to be.

We would obviously expect him not to disagree with what his oral argument was going to be. We would not expect him to say anything inconsistent

with what his oral argument was going to be. And we would expect him to advocate for his clients and say the same thing on National Public Radio that he would say in the courtroom of the United States Supreme Court. So again, Mr. Sutton was acting as a lawyer.

So to put it in a common term, it is a "bum rap." This man has a right to be a lawyer—not only has a right to be a lawyer, he has an obligation to be a lawyer. It is what he has to do once he takes a case.

He is a good lawyer. He is a lawyer who has done his job. He is a lawyer who is well qualified to serve on the Federal bench. I hope my colleagues, when they come to the floor, will consider his life experiences, his life's work, things he has done outside the courtroom as far as community service, as well as how well respected he clearly is by courts, by his colleagues, and by the community. Therefore, I hope my colleagues will vote to confirm Jeffrey Sutton to the Sixth Circuit Court of Appeals.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I also compliment my esteemed colleague from Ohio for his excellent remarks. Nobody knows this man better than the distinguished Senator from Ohio. And, frankly, I know him quite well myself. We ought to pay attention to the people who know him and not make up stories about him, which I think is what is happening.

I have seen more and more of a vindictive approach against President Bush's judgeship nominees than I have ever seen in my 27 years in the Senate. To malign these people who have the highest rating from the American Bar Association, as though they are not in the judicial mainstream, I think is hitting below the belt. And everybody suspects the reason why this hitting below the belt is occurring is because, No. 1, they think he might be pro-life. I do not know what he is as far as that particular issue. The fact is, no single issue should stop somebody who is otherwise qualified from serving in the Federal Government and serving his fellow human beings in this country.

But No. 2 is, they are afraid this fellow has Supreme Court potential, as many of President Bush's nominees have who have such high ratings. So there is a deliberate attempt to damage him on his way up to the Sixth Circuit Court of Appeals so he will never be nominated for the Supreme Court.

Mr. President, I support the nomination of Jeffrey Sutton to be a judge on the Sixth Circuit Court of Appeals because he is worthy of it. Mr. Sutton, like I say, is one of the top appellate lawyers in the country today. There is no question about it. I have mentioned how many cases he has argued, appellate cases, and at least 12 before the Supreme Court, winning most of them. I spoke yesterday at length about Mr.

Sutton's extremely accomplished legal record and the numerous letters of support I have received on his behalf.

Let me just take a few minutes today to discuss some additional points my colleagues on the other side have raised.

Specifically, I would like to respond to the points raised on the topic of federalism. It is as though they do not believe in federalism, they only believe the Federal Government should have total control over everything. It is one reason I left the Democratic Party long ago, because I realized there is a principle of federalism that is hallowed in this country, constitutionally hallowed.

Mr. Sutton has argued three very important cases that have resulted in hotly debated U.S. Supreme Court opinions concerning the scope of Congress's power under section 5 of the 14th amendment to regulate State governments. Some of his critics—and a number of them, almost all of them—have suggested his involvement in these cases should somehow disqualify him from the bench.

I think everyone here knows I have worked hard to enact some of the very laws Mr. Sutton argued against on behalf of his clients as an advocate, which is his responsibility as an attorney. Together with my good friend and colleague, the senior Senator from Massachusetts, and others, I worked very long hours on the Religious Freedom Restoration Act, which was struck down in the City of Boerne case. I was one of the principal sponsors of and managed the floor for the Americans with Disabilities Act, a small portion of which was limited by *University of Alabama v. Garrett*, a case argued by Jeffrey Sutton. I also worked closely with the distinguished Senator from Delaware on another law that the Supreme Court, in the *Morrison* case, found, in part, to be beyond Federal authority—the Violence Against Women Act.

It is important to understand that, notwithstanding the suggestions of some of my Democratic colleagues yesterday, the arguments Mr. Sutton advanced on behalf of his clients in *Garrett* and *Morrison* did not advocate an outright repeal of the ADA or the Violence Against Women Act, nor did those arguments suggest the purposes of those laws were not worthwhile. Ultimately, the Supreme Court's decisions in those cases did limit certain aspects of those pieces of legislation, and I will admit it was disappointing to see that happen after I put so much time and energy into their enactment.

Under these circumstances, it would be relatively easy for me to take cheap shots and criticize Mr. Sutton for the role he played as an advocate in those cases. But I am certainly not going to do so, for the simple reason that ascribing to Mr. Sutton the positions of his clients is wrong, it is unfair, it is not right, it is beneath the dignity of those who are attorneys who under-

stand that advocates are advocates, and they should carry the best argument for their clients they can.

This principle is so fundamental that it hardly merits mention, and yet you hear these arguments like he should not have done that. If we should not do things as attorneys, maybe there will not be any advocates to advocate for various positions.

Moreover, as a substantive matter, none of Mr. Sutton's arguments can fairly be characterized as outside the mainstream—not one.

In the *City of Boerne v. Flores*, a 6-to-3 decision he won, dealing with the Religious Freedom Restoration Act, none—none—of the Supreme Court Justices disagreed with the position Mr. Sutton advocated in that case—none. All nine agreed with him. So he is outside the mainstream of American jurisprudence? Guess who is outside the mainstream. It isn't Mr. Sutton. It is this desire that everybody think in lockstep, and do in lockstep, what some on the other side think ought to be done. No Justice disagreed with him.

Now, as much as my colleagues do not like the Supreme Court, I have to tell you, they are a coequal branch of Government, and they do help us to know what the law really is. And none of them disagreed with Mr. Sutton.

The same was true in *Kimel v. Florida Board of Regents*—not one Justice on the Supreme Court disagreed with the interpretation of the 14th amendment Mr. Sutton advanced in that case—not one. Who is outside the mainstream? It certainly isn't Mr. Sutton.

Now, I will concede the *Garrett* case was a bit narrower, but it was still a 5-to-4 decision. Five of the Justices voted with Mr. Sutton's argument in that case. Nevertheless, almost by definition, I think legal arguments which garner that kind of support in the Supreme Court simply cannot be pegged as outside of the mainstream of American legal thinking as to be somehow unworthy of an advocate—or a judicial nominee.

I agree. My colleagues don't agree with him or didn't agree with his arguments. I didn't in some ways. But that disagreement should not stop us from voting for a person who, as an advocate, had an obligation to make those arguments and who won on his arguments.

I would also like to discuss Mr. Sutton's comments in the media mentioned during the course of this debate. Much ado has been made about his comment reported in the *Legal Times* that:

It doesn't get me invited to cocktail parties, but I love these issues. I believe in this Federalism stuff.

Tell me what is wrong with that. Federalism is a hallowed principle of constitutional law. I believe in it, too. I believe deep down some of my colleagues on the other side believe in it, although I have to admit, I think a

number of them don't. They are wrong not to. They are outside of the mainstream of American jurisprudence.

Well, federalism is not a bad word or an unpopular concept. It is a well-established part of our system of government. As the Supreme Court noted in its 1995 decision in *U.S. v. Lopez*:

Just as the separation and independence of coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front.

The court also noted that:

This constitutionally mandated division of authority "was adopted by the framers to ensure protection of our fundamental liberties."

Who is outside of the mainstream of American jurisprudence? Certainly not Mr. Sutton. Some of these arguments made against him are outside. I admit that.

That is what federalism means. Like Jeffrey Sutton, I believe in it, too. I think anybody who understands constitutional law must believe in it. We could differ as to how it should be applied in all cases, but those are political arguments. Frankly, an advocate has an obligation to represent his client and do the best he can for them, which Sutton did, and he won.

Just as I believe in the separation of powers of the three branches of the Federal Government, believing in federalism does not mean you always believe States should prevail in any given dispute. Mr. Sutton doesn't believe that; neither do I. As I have stated before, I am disappointed any time the Supreme Court holds unconstitutional any legislation for which I fought and bled, that I vigorously worked to enact. However, I do believe in the Federal system that our Founders created and the courts have protected over the years. I cannot derive from Mr. Sutton's quote that he meant anything more than he believed in federalism as a structural component of our American system of government, something I think is certainly true.

I want to make a few points about Mr. Sutton's record which has been attacked, I believe, unfairly. We are getting used to that in the Senate. Some suggest that the few cases in which Mr. Sutton has represented States, in what some consider unpopular causes, demonstrates a bias towards States rights. However, Mr. Sutton has represented a wide range of clients in his legal practice. In those cases where he represented States, he was either acting in his official capacity or was hired by the State and paid a full fee. However, he has represented a significant number of clients with very diverse interests on a pro bono basis. These clients include death row defendants, prisoner rights plaintiffs, the National Coalition for Students with Disabilities, the NAACP, the Center for Handgun Violence—to name a few. I notice some of my colleagues on the Judiciary Committee on

the Democrat side have sent out a letter criticizing him, saying he has never done anything for civil rights. What are those cases?

In addition, I recently received a very supportive letter from Mr. Riyaz Kanji, a former law clerk to Supreme Court Justice David Souter and Judge Betty Fletcher of the Ninth Circuit, neither of whom would be considered conservatives by any judicial measure. He said that he contacted Mr. Sutton in advance to ask for assistance on an amicus brief for the National Congress of American Indians and an Indian law case pending before the U.S. Supreme Court. Mr. Kanji wrote:

Mr. Sutton took the time to call me back from vacation the very next morning to express a strong interest in working on the case. In our ensuing conversations, it became apparent to me that Mr. Sutton did not simply want to work on the matter for the small amount of compensation it would bring him (he readily agreed to charge far below his usual rates for the brief), but that he instead had a genuine interest in understanding why Native American tribes have fared as poorly as they have in front of the Supreme Court in recent years. . . . I think it is fair to say that most individuals who are committed to furthering the cause of State's rights without regard to any other values or interests in our society do not evidence that type of concern for tribal interests.

I would also like to share a letter from a good friend, former colleague to all of us in this body, Senator Robert Dole. Senator Dole was also in the meetings when we were able to arrive at a final conclusion on the Americans with Disabilities Act. He was instrumental in passing the Americans with Disabilities Act. Senator Dole is a well-known advocate for the rights of disabled Americans. He wrote a letter to the Judiciary Committee strongly supporting Jeffrey Sutton because of his "demonstrated commitment to safeguarding the rights of all Americans, especially those of persons with disabilities."

I ask unanimous consent to print a copy of the Dole letter in the RECORD, along with some of the copies of other letters of support for Jeffrey Sutton's nomination that the committee has received.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR BOB DOLE,
Washington, DC, January 16, 2003.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: On May 9 of 2001, President Bush nominated to a vacancy on the U.S. Court of Appeals for the Sixth Circuit one of the most distinguished lawyers in the United States: Jeffrey S. Sutton of Columbus, Ohio. I ask that you join me in backing Jeff's nomination, which I support in part because of his demonstrated commitment to safeguarding the rights of all Americans—especially those of persons with disabilities.

As you know, some in the disability-rights community—for whom I have great respect and with whom I have had the privilege of working in the past, including during our joint efforts to pass the landmark Americans

with Disabilities Act in 1990—have raised questions about Jeff's nomination. I believe that these criticisms miss the mark, and do so by a wide margin. For during his career as a lawyer, both as an Ohio government official and in private practice, Jeff Sutton has gone out of his way to defend the interests of the disabled.

In 1996, Jeff tried to convince the Ohio Supreme Court that Case Western Reserve University had unlawfully discriminated against Cheryl Fischer, who is blind, when it refused to admit her to its medical school solely on the basis of her disability. Jeff actively sought out the opportunity to represent Ms. Fischer, and he was passionately dedicated to her cause. But don't take my word for it. Here's what Ms. Fischer has to say:

"Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of others with both similar disabilities and dreams."

Jeff fell just one vote short of prevailing, but his service to Ms. Fischer leaves no doubt as to his commitment to defending the rights of the disabled.

Cheryl Fischer is not the only person with a disability to be helped by Jeff Sutton. Six years later, Jeff was the lead counsel in a case brought by the National Coalition of Students with Disabilities against the state of Ohio, his former employer. Jeff argued that Ohio universities were failing to provide voter-registration materials to their disabled students, in violation of the federal "motor voter" law. As a direct result of Jeff's efforts, the National Coalition of Students with Disabilities prevailed, and the state of Ohio was made to set up voter-assistance stations at state colleges and universities.

Beyond representing them in court, Jeff Sutton has improved the lives of the disabled through his service to a disability-rights group. Since 2000, Jeff has served on the Board of Trustees of the Equal Justice Foundation, which provides free legal services to the disadvantaged, including persons with disabilities. During his service, the Equal Justice Foundation has filed lawsuits against three Ohio cities demanding that they make their sidewalks wheelchair accessible. It has sued an amusement park that flatly prohibited the disabled from riding its rides. And it has represented a woman with a mental illness who lived in subsidized housing, when her landlord tried to evict her on the ground of her disability.

Again, those who know Jeff Sutton best speak with great eloquence about his dedication to the disabled. Kim Skaggs, the Executive Director of the Equal Justice Foundation, testifies that:

"I admired Mr. Sutton's abilities so much that, upon joining the Equal Justice Foundation, I actively recruited him to become a member of the Equal Justice Foundation's Board of Trustees. Much to his credit, Mr. Sutton accepted and has been extremely supportive of the Foundation's work. I believe that Mr. Sutton possesses all the necessary qualities to be an outstanding federal judge. I have no hesitation whatsoever in supporting his nomination."

These are not the actions of a man who is indifferent to the rights of persons with disabilities. Although he defended the state of Alabama in an Americans with Disabilities Act lawsuit, the complete picture of Jeff Sutton's career reveals a consistent concern

about the special burdens that the disabled face in their everyday lives, and an equally consistent commitment to alleviating those burdens. In all candor, I believe that my friends in the disability-rights community should be actively supporting Jeff Sutton's nomination. For we are not likely to find a more sympathetic ear on the federal bench.

I do not write these words lightly. As you know, I spent many years in the United States Senate fighting for the rights of the disabled. I co-sponsored and worked hard for passage of the 1990 Americans with Disabilities Act. I have no doubt that, if he is confirmed, Jeff Sutton will faithfully enforce that law, just as he will enforce all acts of Congress. And I have no doubt that he will scrupulously respect the rights of the disabled, just as he will respect the rights of all Americans.

Sincerely,

BOB DOLE.

—
ARENT FOX KINTNER PLOTKIN
& KAHN, PLLC,
Washington, DC, January 7, 2003.

Re nomination of Jeffrey S. Sutton to the Sixth Circuit.

Hon. PATRICK J. LEAHY,
Chairman, Senate Judiciary Committee, U.S. Senate, Russell Senate Office Building, Washington, DC.

Hon. ORRIN G. HATCH,
Ranking Member, Senate Judiciary Committee, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR LEAHY AND SENATOR HATCH: I am writing to urge the prompt confirmation of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I believe that Mr. Sutton is eminently qualified and would be a great asset to the federal judiciary.

Mr. Sutton is one of the top appellate advocates in the country, having argued twelve cases in the United States Supreme Court, with a 9-2 record (and one case pending). In the 2000-2001 Term, he argued more cases than any other private attorney in the country, and won all four of them. And in *Hohn v. United States*, 524 U.S. 236 (1998), the Court sua sponte appointed Mr. Sutton to argue the case as a friend of the Court. When he served as the State Solicitor of Ohio, the National Association of Attorneys General presented Mr. Sutton with a Best Brief Award for practice in the United States Supreme Court an unprecedented four years in a row. And this month, the American Lawyer included Mr. Sutton in its list of the top forty-five lawyers in the country under the age of forty-five.

I understand that some legal arguments Mr. Sutton has made in the course of representing clients have aroused some controversy in connection with his nomination. Having recent experience myself with the judicial confirmation process, I strongly urge the Senate to reject any unfair inference that Mr. Sutton's personal views must coincide with positions he has advocated on behalf of clients. It is, of course, the role of the advocate to raise the strongest available arguments on behalf of a client's litigation position regardless of the lawyer's personal convictions on the proper legal, let alone policy, outcome of the case. I am confident that Mr. Sutton has the ability, temperament, and objectivity to be an excellent judge.

Sincerely,

BONNIE J. CAMPBELL.

CLEVELAND, OH,
May 21, 2001.

Hon. Senator MIKE DEWINE,
Member of the Senate Judiciary Committee, Russell Senate Building, Washington, DC.

DEAR SENATOR DEWINE: A few weeks ago my sister called to tell me that President Bush nominated Jeff Sutton to serve on the Sixth Circuit Court of Appeals. I was thrilled to hear the news.

While working as Solicitor General for the State of Ohio, Jeff represented me in a lawsuit the Ohio Civil Rights Commission brought against Case Western Reserve University on my behalf. I sought but was denied admission to the Case Western medical school. I alleged then, as I continue to believe now, that the school denied my application for one impermissible reason: I'm blind. The Ohio Civil Rights Commission agreed with me. After a thorough investigation, the Commission determined that I was otherwise qualified for admission and that the school could make reasonable accommodations to enable me to pursue training to become a psychiatrist.

The case worked its way through the Ohio courts and ultimately landed on the Ohio Supreme Court. It was at this point that I first met Jeff Sutton. Working for the State, Jeff took my case on, firmly convinced I had been wronged. I recall with much pride just how committed Jeff was to my cause. He believed in my position. He cared and listened and wanted badly to win for me. I recall well sitting in the courtroom of the Ohio Supreme Court listening to Jeff present my case. It was then that I realized just how fortunate I was to have a lawyer of Jeff's caliber so devoted to working for me and the countless of other with both similar disabilities and dreams.

Although I ultimately fell short in the courts, Jeff Sutton stood firm by my side. My experience confirmed what President Bush understands: Our nation would be greatly served with Jeff Sutton on the federal bench.

Sincerely yours,

CHERYL A. FISCHER.

—
STATE OF ARIZONA,
OFFICE OF THE ATTORNEY GENERAL,
Phoenix, AZ, July 24, 2001.

Re nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit.

Senator PATRICK LEAHY,
Chairman, Senate Judiciary Committee.

Senator ORRIN HATCH,
Ranking Member, Senate Judiciary Committee.

DEAR SENATORS LEAHY AND HATCH: As the Attorney General for Arizona, and a former U.S. Attorney, I write to urge that Mr. Sutton's nomination be considered based on his own merits as a prospective judge rather than positions he may have taken as an advocate for particular clients. Lawyers have a professional obligation to be zealous advocates on behalf of their clients, and the ethical rules governing lawyers generally recognize that such representation does not constitute a personal endorsement of a client's position. See ABA Model Rules of Professional Conduct, ER 1.2(b). This principle is particularly important for lawyers representing State governments and other public entities. Often such lawyers have a professional obligation to defend or advocate positions taken by legislatures, elected officials, or public agencies that may differ from the lawyer's personal views on public policy or moral issues. Penalizing a lawyer for vigorously advocating on behalf of such clients would be wrong—it would not only blur the important distinction between the positions a lawyer may take on behalf of a client and

the lawyer's own views, it would also undermine effective representation for public entities.

Mr. Sutton served with great distinction as the Solicitor General of Ohio and has otherwise had a distinguished legal career. I respectfully urge that his nomination be scheduled for a hearing and considered based on his individual qualifications rather than positions he may have advanced for particular clients.

Very truly yours,

JANET NAPOLITANO,
Attorney General.

—
NATIONAL ASSOCIATION OF
ATTORNEYS GENERAL,
Washington, DC, July 31, 2001.

Re Nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit.

Hon. THOMAS DASCHLE,
Majority Leader, U.S. Senate, The Capitol, Washington, DC.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Hon. TRENT LOTT,
Senate Minority Leader, U.S. Senate, The Capitol, Washington, DC.

Hon. ORRIN HATCH,
Ranking Member, Committee on the Judiciary, U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATORS: We, the undersigned individual state Attorneys General, are writing to urge your prompt and affirmative vote on confirmation of the nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit.

Mr. Sutton is an award-winning, highly-qualified attorney. Jeff Sutton's intelligence and qualifications are unquestioned, with a great deal of experience in commercial, constitutional and appellate litigation. He has argued nine cases in the United States Supreme Court, including *Hohn v. United States*, in which the Court invited Mr. Sutton's participation, and *Becker v. Montgomery*, in which he represented a prisoner's interests pro bono. He has argued twelve cases in the Ohio Supreme Court and seven cases in the federal courts of appeal. And, as the former Ohio State Solicitor, he has also handled countless cases in the state and federal courts. His career has been distinguished, and he has displayed a rare sense of principled fairness throughout it.

Jeff Sutton graduated first in his law school class, and clerked for two United States Supreme Court justices. It deserves note that Mr. Sutton has represented a wide range of clients. For example, he represented Cheryl Fischer, a blind woman, who claimed that Case Western University Medical School discriminated against her on basis of disability in denying her admission to medical school. He also is a board member of the Equal Justice Foundation, which provides legal representation to the indigent and has filed several class actions on behalf of the disabled. Beyond this, he has filed pro bono amicus briefs on behalf of the NAACP, the AntiDefamation League and the Center for the Prevention of Handgun Violence.

Unfortunately, Mr. Sutton's exemplary record is being distorted by some critics, and as state Attorneys General, we are particularly concerned when we see a lawyer being attacked not for positions he advocated as a private individual, but for positions he argued as a legal advocate for State government. For example, some critics have claimed that Mr. Sutton is against the Americans with Disabilities Act because he argued that one provision of the law overstepped States' rights (in the case of *Univ of*

Alabama v. Garrett). We do not wish here to debate the merits of that position; although we note that the Supreme Court agreed with that position. The important point here at issue is that Mr. Sutton argued that case as a lawyer representing his client. He was not advocating his personal views; rather, he was working to represent a public-sector client.

This distinction, between personal policy preferences and legal advocacy, is a crucial one, and we Attorneys General have a unique perspective on the importance of that distinction. We are legal advocates, sworn to uphold the interests of our clients, and while we also serve as policy advocates for our States, we often must adopt legal positions that do not match our personal beliefs.

As you know, all attorneys have an ethical duty to zealously represent their clients' interests within the bounds of the law, even where the lawyer may not personally share the client's views. This is especially true for public sector lawyers, because we are bound not only by the same ethical rules as all lawyers, but we are also bound by law to represent our legislatures, governors, and agencies. As Attorney General, each of us has worked to advocate legal positions that may not reflect our personal beliefs. Doing so may be difficult, but that is our job and our duty as lawyers and as public servants.

Just as we do this, so do the attorneys who work for us. They have often been faced with the challenge of espousing a position which might not match their own personal beliefs. While their abilities in representing their clients will surely be evaluated by the Senate whenever those government lawyers are nominated for federal judgeships, we urge you not to unnecessarily mistake their advocacy for personal belief. We all believe that everyone in America deserves legal representation no matter how unpopular his or her cause may seem. Lawyers will not be willing to take on such causes if they fear that their advocacy may later be used against them. The potential chilling effect could be enormous.

Indeed, as legislators, you have a great interest in seeing that government lawyers advocate the government's position and not their own. When Congress passes legislation, you have the right to expect that the United States Solicitor General and the entire Department of Justice will defend Congress's work. Individual federal lawyers cannot pick and choose whether to represent only the federal acts that they like. We expect the same of lawyers for the States.

We respectfully suggest that Mr. Sutton should not be criticized because he has been a vigorous and effective advocate. That has been his duty, and it is to his credit that he has discharged that duty well.

When you review Mr. Sutton's nomination, please look at his qualifications and his ability to understand and apply the law. Please do not assume that his past legal positions reflect his personal views. No lawyer would wish to be personally held to every position which, as an advocate, he or she was required to advance.

Sincerely,

Betty D. Montgomery, Ohio Attorney General; Bill Pryor, Attorney General of Alabama; Robert A. Butterworth, Attorney General of Florida; Alan Lance, Attorney General of Idaho; M. Jane Brady, Attorney General of Delaware; Earl Anzai, Attorney General of Hawaii; Steve Carter, Attorney General of Indiana; Carla J. Stovall, Attorney General of Kansas; J. Joseph Curran Jr., Attorney General of Maryland; Don Stenberg, Attorney General of Nebraska.

Philip T. McLaughlin Attorney General of New Hampshire; Herbert Soll, Attor-

ney General of N. Mariana Islands; Hardy Myers, Attorney General of Oregon; Richard P. Ieyoub, Attorney General of Louisiana; Mike Moore, Attorney General of Mississippi; Frankie Sue Del Papa, Attorney General of Nevada; Wayne Stenehjem, Attorney General of North Dakota; W.A. Drew Edmondson, Attorney General of Oklahoma; Mike Fisher, Attorney General of Pennsylvania.

Sheldon Whitehouse, Attorney General of Rhode Island; Mark Barnett, Attorney General of South Dakota; John Cornyn, Attorney General of Texas; Randolph A. Beales, Attorney General of Virginia; Charlie Condon, Attorney General of South Carolina; Paul Summers, Attorney General of Tennessee; Mark Shurtleff, Attorney General of Utah; Iver A. Stridiron, Attorney General of the Virgin Islands.

Mr. HATCH. Mr. President, I also point out a letter from Bonnie Campbell from Arent Fox, who herself was not approved to go on the court. I feel badly that we were unable to get to her. But she writes:

... to urge prompt confirmation of Jeffrey S. Sutton to the United States Court of Appeals for the Sixth Circuit. I believe that Mr. Sutton is eminently qualified and would be a great asset to the federal judiciary.

By the way, Ms. Campbell headed the Violence Against Women efforts on behalf of the Clinton administration; some on the other side have criticized Mr. Sutton and his arguments on the violence against women cases before the Supreme Court.

She goes on to say:

Mr. Sutton is one of the top appellate advocates in the country, having argued twelve cases in the United States Supreme Court, with a 9-2 record (and one case pending). In the 2002 and 2001 Term, he argued more cases than any other private attorney in the country, and won all four of them. And in *Hohn v. United States* . . . the Court sua sponte appointed Mr. Sutton to argue the case as a friend of the Court.

That in and of itself, I might add, shows the high esteem with which the Supreme Court holds this man, certainly a man not outside the mainstream. She said:

When he served as State Solicitor of Ohio, the National Association of Attorneys General presented Mr. Sutton with the Best Brief Award for practice in the United States Supreme Court, an unprecedented four times in a row.

Does that sound like somebody outside the mainstream? Continuing from the letter:

And this month the American Lawyer included Mr. Sutton in its list of the top 45 lawyers in the country under the age of forty-five.

I understand that some legal arguments Mr. Sutton has made in the course of representing clients have aroused some controversy in connection with his nomination. Having recent experience myself with the judicial confirmation process, I strongly urge the Senate to reject any unfair inference that Mr. Sutton's personal views must coincide with positions he has advocated on behalf of clients.

This is exactly the argument made by a number on the other side, an argument she rejects. She continues:

It is, of course, the role of the advocate to raise the strongest available arguments on behalf of a client's litigation position regardless of the lawyer's personal convictions on the proper legal, let alone policy, outcome of the case. I am confident that Mr. Sutton has the ability, temperament, and objectivity to be an excellent judge.

I respect her for writing that letter. I have to say I admire her for doing so.

I might add that in Senator Dole's letter, he went on to list Mr. Sutton's work on behalf of Cheryl Fischer and the nonprofit Equal Justice Foundation, which often represents disabled clients in the Ohio community. Senator Dole continued:

I do not write these words lightly. As you know, I spent many years in the United States Senate fighting for the rights of the disabled.

I have no doubt that, if he is confirmed, Jeff Sutton will faithfully enforce that law, just as he will enforce all laws of Congress. And I have no doubt that he will scrupulously respect the rights of the disabled, just as he will respect the rights of all Americans.

I hope my colleagues will take note of Senator Dole's endorsement, which I believe speaks volumes on the integrity and fairness of Jeffrey Sutton. His record indicates he will be a brilliant jurist of whom we can all be proud.

I am going to cast my vote in favor of this confirmation to the Sixth Circuit, and I strongly urge all of my colleagues to do the same. I urge my colleagues to get beyond these fallacious arguments that he is outside of the mainstream of American jurisprudence, these arguments that he is unworthy of being in this position—although they admit he is a highly qualified, good person. Think about it.

The fact is, their gold standard rated him—the American Bar Association—nearly the highest possible rating available. Now, that speaks volumes.

I reserve the remainder of my time.

Mr. BUNNING. Mr. President, today I come to the floor of the Senate to offer my support for Jeffrey Sutton and urge my colleagues to support his confirmation. The Sixth Circuit, which includes my State of Kentucky, is experiencing a true judicial emergency. Six of the sixteen seats on that court currently sit vacant, leading to justice delayed—and thus justice denied—for the citizens of Kentucky, Ohio, Tennessee, and Michigan. We need Jeffrey Sutton and we need five others like him on the Sixth Circuit.

Jeffrey Sutton was first nominated by President Bush on May 9, 2001. It has taken him almost 2 years to be confirmed and assume his seat on the bench. That is a long time to wait—but he is one of the lucky nominees, since he is actually getting a vote.

Jeffrey Sutton is an example of the fine nominees President Bush has submitted to the Senate. He was rated "Qualified" by the American Bar Association. He has argued 12 cases before the United States Supreme Court, with a strong record of success. He has served as State Solicitor of Ohio and

was highly respected by his peers in that position. He clerked for two Supreme Court justices as well as for the Second Circuit Court of Appeals. Currently, Mr. Sutton is a partner at the well respected Jones Day law firm and he teaches law school classes at Ohio State University. His experience in appellate law practice has earned him acclaim from one legal publication as one of the 45 best lawyers under the age of 45 in the whole country.

I am proud that President Bush nominated Jeffrey Sutton and I am proud to vote for him. He is well qualified to serve on an appellate court and will do a fine job for all states in the circuit. I am glad he will soon be confirmed to the Sixth Circuit, and I urge my colleagues to support him as well.

Mr. FEINGOLD. Mr. President, I will vote no on the nomination of Jeffrey Sutton to be a judge on the U.S. Court of Appeals for the Sixth Circuit. I'd like to take a moment to explain my decision.

I have concluded that I cannot support the nomination of Mr. Sutton because I am not convinced that he will give all those who appear before him a fair and impartial hearing. I am greatly troubled by Mr. Sutton's record of handling cases that have resulted in the curtailment of important civil rights, environmental, and other protections. Mr. Sutton has filed amicus briefs that argued for limiting Congress' authority to enact laws to protect the rights of the disabled, women, the elderly, the poor, and racial or ethnic minorities, as well as laws critical to protecting the environment.

These cases resulted in some of the most notable Supreme Court decisions of the last decade that have restricted the ability of Congress to protect the rights of Americans and the environment.

Now, at his confirmation hearing, Mr. Sutton repeatedly defended his involvement in these cases by stating that he was simply doing his job of zealously representing his client. I appreciate this argument to some extent, especially during his tenure as State Solicitor of Ohio. But my concerns remain because I know that once he went into private practice, he certainly had the ability to choose whether to accept clients and inject himself into cases. Moreover, the purpose of amicus briefs, which Mr. Sutton filed while in both the Solicitor's office and private practice, is not to defend a client against litigation or to seek redress on behalf of that client. It is, as we know, an opportunity for a third party to inject an opinion into a case for which the third party has no immediate interest. In significant states' rights case after case, Mr. Sutton consistently sought out cases in which he could argue for limiting the role of Congress in ensuring constitutional protections for Americans.

Furthermore, it seems as though this is a personal crusade for Mr. Sutton. Outside of his role as a lawyer rep-

resenting clients, he took time to articulate his personal view that Congress should be restrained in its effort to protect civil rights and the environment. Through his involvement with the Federalist Society, including serving as an officer of its Separation of Powers and Federalism practice group, and his writings and statements, Mr. Sutton has said that he "believes in this stuff" and is "on the lookout" for cases where he can raise federalism issues.

I am concerned about this pattern of arguments, writings, and statements that challenge laws Congress has worked so hard to advance those that would safeguard our precious wetlands and natural habitats and fight discrimination of any and every kind. We cannot reasonably expect to one day eliminate discrimination in this country if we confirm nominees like Mr. Sutton, who seem to be ready to turn back the clock on civil rights through the application of a dry but extremely consequential federalism doctrine, to one of the most important courts in the nation.

Finally, I want to add that I was troubled by Mr. Sutton's response to one of my questions. In answering to a question about congressional authority for enacting a Federal environmental law, he said that the case involved statutory interpretation and that he simply argued that the Court need not reach the constitutional question. I later reviewed the brief and confirmed that six out of ten pages of his brief, in fact, focused on the constitutionality of the Federal environmental regulation. I confronted him with this fact in a followup question, and he continued to insist that the argument he made was not unusual. I do not believe that is the case. Mr. Sutton himself filed an amicus brief in another case urging "constitutional avoidance" without making such an extensive argument against the constitutionality of the statute.

I don't like voting against judicial nominees. This was a difficult decision for me because I do think that Mr. Sutton made an effort to address the Committee's concerns, in contrast to some other nominees who have come before us. I understand that President Bush has the right to nominate whomever he wants to the federal bench. But the Senate is not obligated to let the President's nominees sail through, as if there were no checks and balances, no constitutional requirement of advise and consent. As much as it is our duty to fill vacancies in the Federal judiciary, it is also our duty to give great and searching scrutiny to those nominees who have a record that calls into question their ability to give all those litigants who would appear before the nominees a fair and impartial hearing.

I am more than pleased to vote to confirm judicial nominees that are fair-minded and supported by a consensus of members, and, once again, I urge the President to speed up the

nominations process by sending such nominees to the Senate. I do not believe that Mr. Sutton is such nominee. He is a bright and accomplished attorney, but he is not the right person for this seat on the Sixth Circuit Court of Appeals.

Mr. JEFFORDS. Mr. President, I would like to take this opportunity to express my strong opposition to the nomination of Jeffrey Sutton to the Sixth Circuit Court of Appeals.

During my time in Congress, I have worked hard to ensure equal rights for all Americans. Over the last three decades we have made great strides in ensuring equal rights for disabled Americans, older Americans, and other individuals. The confirmation of Jeffrey Sutton to the Sixth Circuit Court of Appeals will set back our progress if he is allowed to continue his work of eroding the coverage of civil rights laws passed by Congress, not just as an attorney, but as a Federal judge.

Let me provide my colleagues a quick review of Mr. Sutton's record and its impact on equal rights for all Americans. In *University of Alabama v. Garrett*, State workers lost their right to bring damage suits under the Americans with Disabilities Act. In *Kimel v. Florida*, State workers lost the right to bring damage suits under the Age Discrimination in Employment Act. In *Alexander v. Sandoval*, all Americans lost the ability to file a private right of action to enforce the disparate impact regulations of title VI of the Civil Rights Act. In fact, the Sandoval rationale has been applied to say that individuals who are fired or demoted because they complain about gender inequities in a school's sports or education program cannot bring a challenge under title IX.

Unfortunately, for all Americans interested in equal rights, the examples above have already occurred. Other arguments Mr. Sutton has made will provide my colleagues and all Americans a look ahead to the further erosion of equal rights if Mr. Sutton is confirmed to the Sixth Circuit Court of Appeals.

Mr. Sutton has argued that advocates for low-income children should not be allowed to effectively enforce a State's failure to provide them essential health services required by the Medicaid Act, *Westside Mothers v. Haveman*. Families would not be able to challenge a State's failure to provide notices or hearings when their Medicaid HMOs deny or delay needed treatment if Sutton's theories from *Westside Mothers* had been accepted. Additionally, parents would not be able to bring a challenge to a State's systemic failure to provide occupational therapy, speech therapy, and other services that help ensure that disabled children receive a free and appropriate public education as required by the Individuals with Disabilities Education Act if Sutton's theories in *Westside*

Mothers had been accepted. Deaf students at State universities would not be able to require schools to provide them with interpreters, captioning, and other assistance as required by title II of the Americans with Disabilities Act, if Sutton's additional far-reaching arguments in Garrett had prevailed.

Mr. Sutton's history shows more than just a desire to represent his clients zealously; it shows a belief in a philosophy. This is a philosophy that says the right of the State trumps all, even in the face of extensive Congressional findings. This is a philosophy that says the right of the State overrules the most basic of equal rights laws that the Federal Government may pass. This is a philosophy that the State can discriminate against its employees and citizens even in the face of Federal antidiscrimination laws. This is not a philosophy I can support, and I urge my colleagues to join me in opposing this nomination.

Mr. LEAHY. Mr. President, this morning we are going to vote on the nomination of Jeffrey Sutton to the U.S. Court of Appeals for the Sixth Circuit. Yesterday, I spoke about some of my concerns, but I want to again discuss my serious concerns with this nominee.

Mr. Sutton has a legal philosophy focused on limiting Congress' historic role in protecting the civil and constitutional rights of all Americans. He has led an aggressive campaign to dismantle longstanding Federal laws, enacted with bipartisan support, that have made this country more inclusive over the last half-century, and to close access to the Federal courts for people challenging illegal acts by their State governments.

As a lawyer in private practice, he has aggressively sought out cases to limit the power of Congress to enact laws protecting individual rights, and has been dismissive of congressional findings and hearings supporting important Federal laws. He has sought to weaken, among other laws, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Violence Against Women Act, and the Religious Freedom Restoration Act. He has also sought to limit the ability of Medicaid recipients to enforce their rights and the ability of individuals to enforce disparate impact regulations under title VI of the Civil Rights Act. In essence, he has argued for the Supreme Court to repudiate more than 25 years of legal precedents that permitted individuals to sue States when they violate Federal civil rights regulations. His extreme judicial philosophy would undermine the rights of State workers, disabled individuals, women, children, racial and ethnic minorities, and senior citizens.

Mr. Sutton and his supporters have claimed that he was merely acting on behalf of his clients in all these cases, but this claim is unconvincing. Mr. Sutton had no obligation to participate

in any of the cases taken after he left the Ohio State Solicitor's office in 1998. In fact, he has admitted that he sought out cases curtailng congressional power as a private lawyer and that he is on the "lookout" for these cases. He has aggressively pursued a national role as the leading advocate of States' rights and, as my colleagues have noted, he has stated that his advocacy on the principles of federalism is something that he believes in.

He has made statements praising many of the Supreme Court's decisions undermining Congress' authority to protect and assist citizens, and in his personal writings and speeches he has advocated an even narrower view of Congress' role. Perhaps most significantly, Mr. Sutton has taken not a single case that supports congressional power to enact laws protecting civil and individual rights. In each case he has argued before the Supreme Court he has always been on the same side of this issue—arguing that individuals have no right to enforce the civil rights protections that Congress has given them. This must be more than a coincidence.

His personal writings and speeches promote his theory that State laws adequately protect civil liberties, and display a lack of respect and understanding for Congress' long-standing role in protecting individual rights.

Mr. Sutton has stated in several articles that States should be the principal bulwark in protecting civil liberties, a claim that has serious implications given a history of State discrimination against individuals. In numerous papers for the Federalist Society, he has repeatedly stated his belief that federalism is a "zero-sum situation, in which either a State or a Federal law-making prerogative must fall." In his articles, he has stated that the federalism cases are a battle between the States and the Federal Government, and "the national government's gain in these types of cases invariably becomes the State's loss, and vice versa."

He also states that federalism is "a neutral principle" that merely determines the allocation of power. This view of federalism is not only inaccurate but troubling. These cases are not battles in which one law-making power must fall, but in which both the State and the Federal government—and the American people—may all win. Civil rights laws set Federal floors or minimum standards but States remain free to enact their own more protective laws. Moreover, federalism is not a neutral principle as Mr. Sutton suggests, but has been used by those critical of the civil rights progress of the last several decades to limit the reach of Federal laws.

Mr. Sutton tried to disassociate himself from these views, by saying that he was constrained to argue the positions that he argued on behalf of his clients. As far as I know, no one forced Mr. Sutton to write any article, and most lawyers are certainly more careful

than to attribute their name to any paper that professes a view with which they strongly disagree. In my view, Mr. Sutton's suggestions that he does not personally believe what he has written are intellectually dishonest and insincere.

I would also like to respond to the claim by those of the other side of the aisle. Those opposed to Mr. Sutton's confirmation believe he has a personal antipathy to people with disabilities. I know of no Senator who is claiming that Mr. Sutton has a personal antipathy to the disabled. I have heard from hundreds of people and organizations who express concern that millions of disabled individuals have been harmed by his broad advocacy to limit the rights of the disabled as a class. The fact is that Mr. Sutton has chosen to argue against the rights of people with disabilities in three major cases to the Supreme Court; that he has argued that the ADA is "not needed"; and that he has devoted his career to making States less accountable.

I have been stunned by the Republican Senators who have come to this floor to argue that Senators should not consider a lawyer's representation of clients in considering a judicial nomination. I am stunned because so many of them voted against so many nominees of President Clinton on that very basis, but they now condemn the approach they themselves took—without, of course, acknowledging the contradiction. I am reminded that a key member of this President's judicial nomination selection team, his former White House Deputy Counsel testified before the Senate in 1997 that:

Although the Senate Judiciary Committee has long recognized—correctly, in my view—that positions taken as an advocate for a client do not necessarily reflect a nominee's own judicial philosophy, a long history of cases in which a nominee has repeatedly urge courts to engage in judicial activism may well be probative of the nominee's own philosophy.

With this nomination, we have Mr. Sutton's admissions in statements and interviews and articles outside the courtroom that he believes strongly in this "federalism stuff."

Mr. Sutton is opposed by more than 400 disability and civil rights organizations. They have concluded that his ideological views and extremely narrow reading of the Constitution make it doubtful that he would be a fair and balanced judge. The burden is on Mr. Sutton to show that he will protect individual rights and civil rights as a lifetime appointee to the Sixth Circuit Court of Appeals. This he has not done.

The oath taken by Federal judges affirms their commitment to "administer justice without respect to persons, and of equal right to the poor and to the rich." No one who enters a Federal courtroom should have to wonder whether he or she will be fairly heard by the judge. Jeffrey Sutton's record does not show that he will put aside his years of passionate advocacy in favor of States' rights and against civil

rights and his extreme positions limiting Congress' authority to protect all Americans. Accordingly, I will not vote to confirm Mr. Sutton for appointment to one of the highest courts in the land.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I will use my time as leader to make a few comments regarding this nominee.

Mr. President, I first want to commend the distinguished Senator from Iowa for his extraordinary work on this nomination. I watched him prior to the time we recessed a couple of weeks ago. His passion, his eloquence, and the power of his words were ones that I wish the rest of the country could have heard. I have no doubt he would have persuaded many had they heard him, as I did. He was back in the Chamber yesterday and again this morning. I thank him for that commitment and his extraordinary efforts to make sure that people understand the consequences of this decision and the great difficulty many of us have with this nomination.

Let me also thank our distinguished ranking member for all his work, both in the committee and on the Senate floor, again, in opposition to this nomination.

I have not seen the letter of Senator Dole, and I don't know that many of us have had the opportunity to talk to Senator Dole about it, but I will say this: Senator HARKIN and Senator Dole were both very directly and successfully involved with the passage of the ADA some years ago. That legislation has been monumental in terms of the change it has meant for the rights of the disabled.

The Americans with Disabilities Act passed in 1990. George Bush said at the time that "as a result of its passage, every man, woman, and child with a disability can now pass through once closed doors into a bright new era of equality, independence, and freedom." Those were the words of President Bush when he signed this extraordinary legislation.

But that legislation depends, of course, on interpretation, and interpretation depends upon the courts. What happens at the district and circuit court levels, not to mention the Supreme Court level, profoundly affects the words and, obviously, more important, the effect of the act as it is viewed today, 13 years later.

I must say that we are considering a nominee today, to a lifetime position as a Federal judge, who has worked his entire career to roll back the progress of the ADA. Over the past several years, the courts have consistently acted to weaken and limit the important protections provided by the Americans with Disabilities Act, as well, I might add, as the Age Discrimination and Employment Act, the Civil Rights Act, and the Violence Against Women Act.

Those doors to a bright new era, as President Bush once called them, are

slowly being closed. Jeffrey Sutton is one of the most significant reasons why. He has spent years fighting aggressively to limit the legal protections of individuals who experience discrimination and restrict the authority of Congress to protect those who are most vulnerable to discrimination.

Mr. Sutton was the lead attorney in the case of the University of Alabama v. Garrett. It has been discussed and noted on several occasions, of course, in the debate, but it bears repeating. In that case, he fought to limit, incredibly, the rights of a breast cancer survivor who was told by her employer, after she finished chemotherapy treatment, that she would have to quit, accept a limited demotion, or be fired solely because of her illness. He was the lead attorney in *Kimel v. Florida Board of Regents*. In that case, he argued aggressively to limit the rights of Americans who experienced age discrimination.

In both of these cases, Mr. Sutton acted as a private attorney, which means he chose to represent his clients. He didn't have to take those clients. No one forced him, saying, you have to go into court, regardless of your position, and you have to go make your defense, your arguments, as he did before the Court. In both cases, he argued aggressively that, despite clearly discriminatory actions, national legal protections were not only unnecessary; they were unconstitutional.

In other cases, Mr. Sutton has fought to limit the protections under the Violence Against Women Act and to enable States to restrict access to health care for low-income children. He has made a career of fighting to weaken protections for some of America's most vulnerable citizens—the sick, the elderly, the disabled, battered women, and poor children. I don't know what "compassionate conservatism" is exactly, but I surely know this is not it.

I must say, Mr. President, we will be casting a number of challenging and difficult votes as we consider the judiciary. Already we have confirmed 18 judges in this Congress. In the last Congress, we confirmed 100.

I am dismayed that this nominee is before us today, given his record, given the implications of that record for his future decisions as a judge on such an important court. I am dismayed and concerned by its implications for all of the vulnerable people of this country, all of those who have already sacrificed, all of those who have hoped and dreamed that there could be a new day of freedom and independence for themselves as a result of the passage of this critical and monumental legislation just 13 years ago. I am dismayed that one person can be so effective in rolling back those protections and eliminating their access in dealing with their independence in such a crass and unfortunate way. Closing the door to those people, after waiting decades for them to reach this point of freedom and independence in our country today, is all

the reason one needs to vote against this nomination.

We will have many more nominees, many conservative nominees. Most, if not all, of the nominees who will come before us today will be conservative, and many will have the same Federalist mentality and philosophical approach that Mr. Sutton represents; but they will not be the opponents of those who seek independence, freedom, and equality as disabled people, as Mr. Sutton has done throughout his public career.

I urge my colleagues, let us not retreat from the progress this country has achieved. Let us reject this nomination and protect the hard-won legal protections of America's most vulnerable citizens.

Our only hope in doing so would be to reject this nomination, to speak out as loudly and clearly as we can that ADA is as important today, if not more important, than it was in 1990 when it passed, thanks to the leadership of Senator HARKIN, the leadership of Senator Dole, the leadership of those who understood the importance of equality for everyone, especially those disabled, those who sought that same freedom we take for granted today.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield 5 minutes to the distinguished Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. CHAMBLISS. Mr. President, I rise today in strong support of the nomination of Jeffrey Sutton to the Sixth Circuit Court of Appeals. I have been sitting in my office today listening to the debate on this nomination, and I am really a little bit taken aback, as I was in the Judiciary Committee hearing when I heard the discussion about Mr. Sutton and the opposition to Mr. Sutton.

It is not as though Mr. Sutton is not qualified to be a nominee to the Sixth Circuit. He is a gentleman who graduated first in his class from the Ohio State University Law School. He is a gentleman who has argued 12 cases before the United States Supreme Court, winning nine of them and only losing three. No Sixth Circuit judge currently serving has ever had as much Supreme Court experience before taking the bench.

During the Supreme Court's 2000-2001 term, Mr. Sutton argued four cases and won four cases, the best win-loss record of any private lawyer in the country that year.

On January 2, 2003, the American Lawyer named Mr. Sutton one of the 45 best lawyers in America under the age of 45. They did not say one of the best 45 conservative lawyers or federalist lawyers, but one of the best 45 lawyers in America under the age of 45. He is an eminently qualified man, and I am really appalled by the objections I am hearing.

The critics who are trying to put various labels on Mr. Sutton, such as anti-Americans with Disabilities Act and anti-environment, based on positions that he has taken as an attorney advocate, really miss the whole point about the American adversarial and judicial system. Lawyers routinely adopt positions on behalf of their client as an advocate, positions to which they personally might not subscribe, but that is what makes our judicial system so great. It is the core of our legal system that people are entitled to have attorneys argue their cases for them.

If we start to walk down the road where lawyers are accountable for any of the positions they take on behalf of their clients, then we might as well write off any criminal defense lawyer for judicial appointments because they routinely have to argue for some pretty unsavory characters. Our legal system would not be as great as it is without these attorney advocates fighting for and advancing the rights of their clients.

As an example of this mislabeling, it is wrong to try to paint Jeffrey Sutton as someone who works against the interests of the disabled. In truth, he has actually worked as an advocate in cases where he represented disabled clients in advancing their rights. This man's father ran a home for disabled children where Jeffrey Sutton worked as a young man. Beverly Benson Long, who is the immediate past president of the World Federation for Mental Health, which is among one of many posts she has held, has said:

No doubt that Mr. Sutton would rule fairly in all cases, including those involving persons with disabilities.

Mrs. Long described the lobbying against Mr. Sutton by advocates of the disabled as unfortunate and misguided:

In my own opinion, it is not only unfortunate and misguided, it is just plain wrong.

There was also a quote in the Cleveland Plain Dealer, which is really somewhat of an independent-thinking newspaper in our great country. An editorial which ran on June 17, 2001, compared Sutton to John Adams, who represented the British troops accused of perpetrating the Boston Massacre. The Plain Dealer said:

It is the duty of a lawyer to represent to the best of his ability the interests of his clients. That, the record shows, Sutton has done throughout his career.

A good judge, doing his job, will have but one abiding friend—the law he has sworn to uphold. Sutton's ability to honor that friendship should be the criterion of his consideration.

In summary, one cannot deny Mr. Sutton has the intellectual abilities we need in our appellate judges. Moreover, he has tremendous experience, arguing before the State and Federal Courts of Appeal as well as before the United States Supreme Court.

Finally, he has another quality we need in our appellate judges. The Attorney General of my home State, who is a dear friend of mine, is a man who

is an elected Democrat, and he is a man for whom I have the utmost respect and a man who has had an occasion to work with Jeffrey Sutton. He said it best when he told me Mr. Sutton would have a great judicial temperament. So we have a nominee with intellect, with experience, and with temperament. We cannot ask for more than that in a judicial nominee, and yet his confirmation has been delayed because of partisan bickering.

It is no wonder we are in a judicial crisis with so many open judicial seats unfilled. It is no wonder we are stalled in moving forward on other judicial nominees. Jeffrey Sutton is a highly qualified nominee for the appellate bench. Let us move forward. I strongly urge a vote to confirm Jeffrey Sutton to the Sixth Circuit Court of Appeals.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. How much time remains on both sides?

The PRESIDING OFFICER. Twenty minutes on the Senator's side and 5 minutes on the other side.

Mr. HATCH. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Iowa.

Mr. HARKIN. Mr. President, a lot of times these debates, especially when they involve a court nominee such as Mr. Sutton, tend to get personal, and they should not. I hope no one here interprets anything I have said as being any kind of personal thing against Mr. Sutton.

I said at the beginning I found him to be a pleasant, intellectual individual with whom I spent an hour and a half. I do not know him personally, of course. That is not the point. It is just like my good friend from Utah, Senator HATCH. Senator HATCH was very helpful when we passed the Americans with Disabilities Act. I have told him that many times. He happens to be a good friend of mine on a whole host of issues on which we have worked together. I have no doubt that perhaps Mr. Sutton has compassion toward people with disabilities, but that also raises a problem with me.

It has been said many times Mr. Sutton's father had a school for kids with cerebral palsy. When Mr. Sutton was in my office, I asked him if that was a segregated school and he said, no, it was not. But he thought I meant male and female. What it was, was kids with cerebral palsy only went to this school. Well, I commend Mr. Sutton's father for his compassion, for having a school for kids with cerebral palsy, but that is what we are trying to get over with the Americans with Disabilities

Act. That is what we are trying to get beyond. We are trying to get beyond segregation.

I spoke about my brother Frank when he was sent half way across the State to the school for the deaf—segregation because he was disabled. So, again, to have that mindset that somehow people have to be put in an institution, like the Olmstead case—fortunately, Mr. Sutton did not win that one, but if his view had prevailed, the two women in that case would still be in an institution. Now they are living by themselves, out free to shop, free to make their own meals, free to travel, not being stuck in an institution.

This vote we are about to have has nothing to do with Jeffrey Sutton as a person, but it has a lot to do with him as a potential judge and how he views his role and how he views Congress's role. He said that the Americans with Disabilities Act was not needed. On National Public Radio he said that, "disability discrimination in a constitutional sense is really very difficult to show."

Then, later on, Mr. Sutton said that in this context it is a zero sum game; that if civil rights wins, the States lose.

It is not a zero sum game at all. Yes, like my friend from Utah, I believe in federalism. I believe in the Federal/State system on which our country is set up, on which our constitutional framework is established. I think it is the best system ever devised on the face of the Earth. But I do not believe in the kind of federalism that Mr. Sutton espouses, that it is a zero sum game; that if we expand civil rights somehow a State loses, or that somehow Congress does not have the authority, constitutionally, to address the kinds of social ills and social wrongs perpetrated so long in our country on minorities and on people with disabilities. That is why 400 civil rights groups have come out opposed to Mr. Sutton.

We here in the Congress did our job. We worked long and hard over many, many years, Republicans and Democrats, to pass the Americans with Disabilities Act. Mr. Sutton says that discrimination against people with disabilities is very difficult to show. Is that the mindset we want on the Federal bench? I ask my fellow Senators, send a strong message that we are going to stand behind the Americans with Disabilities Act, that we are not going to let it be chiseled away by a Federal judge such as Mr. Sutton. I ask for a "no" vote to send that message.

Mr. President, I ask unanimous consent to have printed the RECORD a list of letters the Committee has received in opposition to the confirmation of Jeffrey Sutton to the Sixth Circuit Court of Appeals, and three of these letters which come from large coalitions of civil rights, women's rights and disability rights organizations.

First, a letter from the Leadership Conference on Civil Rights and the Alliance for Justice, dated April 28, 2003.

Second, a letter from 25 women's groups, dated April 28, 2003.

Third, a letter from ADA WATCH, a coalition of disability rights organizations, dated May 14, 2003.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OPPOSITION TO JEFFREY SUTTON, NOMINEE TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

PUBLIC INTEREST GROUPS

Ability Center of Defiance also signed by: Courage Incorporated, Independent Living Center of North Central Ohio, Ability Center of Greater Toledo, Access II Independent Living Center, Access to Independence of Courtland County, Inc., Access Living, Advocates for Ohioans with Disabilities, ADA WATCH, AIDS Action, Alliance for Disabled in Action, American Association of People with Disabilities, American Association of University Women, American Council of the Blind, American Council of the Blind of Maryland, American Council of the Blind of South Carolina, AFL-CIO, American Federation of State, County and Municipal Employees (AFSCME), Americans for Democratic Action, Arizona Bridge to Independent Living, Brain Injury Association of Tennessee, Capitol District Center for Independence, Inc., Center for Civil Justice, Center for Independent Living Options, Center for Independence of the Disabled in New York, Inc., Cerebral Palsy Association of Ohio, Cerebral Palsy Association of New Jersey.

Civil Rights coalition letter signed by: ADA Watch/National Coalition for Disability Rights, AFL-CIO, Alliance for Justice, American Association of University Women, Feminist Majority, Leadership Conference on Civil Rights, MoveOn.org, NAACP, NAACP Legal Defense and Education Fund, National Council of Jewish Women, National Fair Housing Alliance, National Partnership for Women and Families, National Women's Law Center, People for the American Way, United Auto Workers, Coalition for Independent Living Options, Inc., Council for Disability Rights, Deaf and Hard of Hearing Consumer Advocacy Network, Eastern Paralyzed Veterans Association.

Environmental coalition letter signed by: Clean Water Action, Community Rights Counsel, Defenders of Wildlife, Earthjustice, Endangered Species Coalition, Friends of the Earth, Natural Resources Defense Council, Oceana, Physicians for Social Responsibility, Sierra Club, The Wilderness Society, Everybody Counts Center for Independent Living, Freedom Center, Inc., Gender Justice Action Group, Harrison County Sheltered Workshop, Inc., Heightened Independence & Progress, Human Rights Campaign, Independent Living Center of the Hudson Valley.

Justice for All Project signed by: California Abortion and Reproductive Rights Action League, California Employment Lawyers Association, Committee for Judicial Independence, Democrats.com, Environmental Law Foundation, National Center for Lesbian Rights, California National Organization for Women, Planned Parenthood Los Angeles County, Progressive Jewish Alliance, Stonewall Democratic Club, Unitarian Universalists Project Freedom of Religion, Western Law Center for Disability Rights, Women's Reproductive Rights Assistance Project, Leadership Conference on Civil Rights, Liberty Resources Inc. (the Center for Independent Living in Philadelphia County), Linking Employment, Abilities & Potential, Mental Health Association in Monongalia County, Michigan Centers for Independent Living, Michigan Developmental Disabilities Council, Mid Atlantic

Chapter of TASH, National Association for the Advancement of Colored People (NAACP), National Association for Rights Protection and Advocacy, National Association of the Deaf, National Council of Jewish Women, National Disabled Students Union, National Employment Lawyers' Association, National Organization for Women, New York State Independent Living Council, Inc., New York Society for the Deaf, Northern Regional Center for Independent Living, Ocean State Center for Independent Living, Options for Independence, Inc., Oregon Disabilities Commission, Pennsylvania Council of the Blind, Progress Center for Independent Living, Queens Independent Living Center, Inc., Regional Access & Mobilization Project, Inc., River Falls Access Ability Center, Ruben Center for Independent Living, Service Employees International Union, Sierra Club, Southern Maryland Council of the Blind, Statewide Parent Advocacy Network, Inc., United Auto Workers, United Food and Commercial Workers International Union, Utah Statewide Independent Living Council, Vermont Statewide Independent Living Council, Western Law Center for Disability Rights.

Women's Rights Organizations letter signed by: American Association of University Women, Business and Professional Women/USA, Center for Women Policy Studies, Choice USA, Coalition of Labor Union Women, Equity in Education and Employment, Feminist Majority, GenderWatchers, Ms. Foundation for Women, National Council of Jewish Women, National Network to End Domestic Violence, National Partnership for Women & Families, National Women's Law Center, National Organization for Women, NOW Legal Defense and Education Fund, National Partnership for Women & Families, National Women's Conference, National Women's Law Center, Northwest Women's Law Center, Religious Coalition for Reproductive Choice, Wisconsin Coalition Against Sexual Assault, Women Against Abuse, Inc., Women's Caucus for Political Science, Women Employed, Women Empowered Against Violence, Inc., Women's Institute for Freedom of the Press, Women's Sports Foundation, Young Democrats of America Disability Issues Caucus.

ATTORNEYS

Susan Barnhill, Sacramento, CA; Margarette Berg Cashin, Staten Island, NY; Richard Chudner, Cleveland, OH; Kathryn Engdahl, Minneapolis, MN; Frederick Ford, West Palm Beach, FL; Nancy Grim, Kent, OH; Caryn Groedel, Cleveland, OH; Harriet McBryde Johnson, Charleston, SC; Theodore Meckler, city and state unknown; Dahlia Rudasky, Boston, MA.

Also signed by: Ellen Messing; James Weliky; Jeremy Cattani; Shawn Scharf, Youngstown, OH; Judith Schermer, Minneapolis, MN; David Steiner, Cleveland, OH; Richard Treanor, Washington, DC; Brian Williams, Akron, OH; Jeffrey Neil Young, Topsham, ME.

PROFESSORS

Douglas Laycock, University of Texas at Austin School of Law, Austin, TX; American Law Teachers, signed by Michael Rooke-Ley, Emeritus Professor of Law and Paula Johnson, Professor of Law; Rebecca Zietlow, University of Toledo College of Law.

CITIZEN GROUPS

Concerned Citizens of Ohio letter signed by: Tim Harrington, Director and Sue Hetrick, Ability Center for Greater Toledo; Roy Poston, Director, Access Center for Independent Living (Dayton); Patrick Shepherd, President, Cleveland Stonewall Democrats; Bev Rackett, Director, Mid-Ohio Board for an Independent Living Environ-

ment; Joan Kazan, Immediate Past President, National Council of Jewish Women, Cincinnati Section; Susan Levine, President, National Council of Jewish Women, Cleveland Section; Cathy Stone, President, National Council of Jewish Women, Columbus Section; William Burga, President, Ohio AFL-CIO; Ronald Malone, Director, Ohio AFSCME United; Sandy Buchanan, Ohio Citizen Action; Fred Gittes, Ohio Employment Lawyers Association; Diane Doge, Ohio National Organization for Women; William Olubodun, Ohio Statewide Independent Living Council; Jonathan Varner, President, Ohio Young Democrats; Belinda Spinosi, Director, Southeastern Ohio Center for Independent Living; NARAL Ohio letter signed by 279 individuals.

LEADERSHIP CONFERENCE ON CIVIL RIGHTS, ALLIANCE FOR JUSTICE, Washington, DC, April 28, 2003.

Hon. BILL FRIST, Majority Leader, U.S. Senate, Washington, DC.
Hon. TOM DASCHLE, Minority Leader, U.S. Senate, Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: We, the undersigned civil rights, women's rights, labor, and human rights organizations, together representing millions of Americans across the United States, write to express our opposition to the confirmation of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. Mr. Sutton's record as a lawyer and advocate reveals him to be an extremely ideological and conservative activist with a particularly troubling record in many areas important to our communities.

We have serious concerns about Mr. Sutton's legal philosophy in a number of areas, particularly his views on Congress' authority to enact laws protecting civil and other individual rights. Mr. Sutton has become, over the last several years, a leading activist in the so-called "states' rights" movement. In fact, he has personally argued key Supreme Court cases that, by narrow 5-4 majorities, have undermined Congress' ability to protect Americans against discrimination based on race, age, gender, disability, and religion. Mr. Sutton's arguments in several of these cases sought to restrict civil rights and environmental protections even more severely than has the Supreme Court. Also, Mr. Sutton was not just making a strong case on behalf of his client; he actively sought out these cases in order to expand states' rights doctrines. As he told the *Legal Times*, "I love these issues. I really believe in this federalism stuff."

Mr. Sutton's work on behalf of limiting Congress' power to enact protective legislation has had a devastating impact on the rights of individuals with disabilities. Over the past several years, Mr. Sutton has been involved in an effort to challenge and weaken the Americans with Disabilities Act (ADA), a popular and important bill enacted by a bipartisan Congress and signed into law by President George H.W. Bush. Mr. Sutton represented the University of Alabama in the case of *University of Alabama v. Garrett*, 531 U.S. 456 (2001), in which the Court ruled 5-4 that it was unconstitutional for the ADA to permit state employees to bring lawsuits for damages to protect their rights against discrimination. In fact, Mr. Sutton's arguments went even further than the Court's decision. During oral argument, Mr. Sutton told the Court that the ADA was "not needed." In another case, *Olmstead v. L.C.*, 527 U.S. 581 (1999), Mr. Sutton argued that it should not be a violation of the ADA to force persons with mental disabilities to remain institutionalized without proper justification, despite clear congressional findings to the contrary. In a third case, *Pennsylvania Department of Corrections v. Yeskey*, 524 U.S. 206

(1998), Mr. Sutton filed an amicus brief arguing that the ADA does not apply to all to state prison systems. The Supreme Court rejected Mr. Sutton's arguments in *Olmstead and Yeskey*, which would have further weakened the ADA had they been accepted.

Mr. Sutton has also argued for a narrow view of Congress' ability to protect the environment or to provide a means for individuals to vindicate their rights. In *Alexander v. Sandoval*, 532 U.S. 275 (2001), he argued against allowing private individuals to sue to enforce the disparate impact regulations of Title VI of the 1964 Civil rights Act, which prohibits discrimination based on race, color, or national origin, by recipients of federal financial assistance. He has also argued for severe limits on the ability of state employees who are victims of age discrimination to recover damages, against increased protection for religious freedom from encroachment by states, and against a federal remedy for victims of sexual assault and violence, positions adopted by the 5-4 Supreme Court majority. He also argued that Congress did not have the Constitutional authority to enact legislation protecting environmentally sensitive wetlands from harmful dumping.

In addition, Mr. Sutton has advocated for other specific steps by the courts to limit federal civil rights protections. In an article for the Federalist Society, Mr. Sutton praised a concurring opinion by Justices Thomas and Scalia in *Holder v. Hall*, 512 U.S. 874 (1994), which would have severely restricted the application of Section 2 of the Voting Rights Act (prohibiting state and local conduct that has a racially discriminatory purpose or effect), and would have required overturning or reconsidering at least twenty-eight previous Supreme Court voting rights decisions. Mr. Sutton has even suggested that the Thomas-Scalia concurrence provided a blueprint for broadly reconsidering and overturning court decisions that right-wing advocates do not like in civil rights and other areas.

In sum, based on his record as a lawyer and legal advocate, it is clear that Mr. Sutton's legal philosophy is focused on limiting Congress' historic role in protecting the civil and constitutional rights of all Americans. Jeffrey Sutton's advocacy on many issues important to our communities, such as the reach of federal civil rights and environmental statutes, federalism, the right to vote, and the ability of individuals to vindicate their rights, reflect views that are outside the mainstream of judicial thought.

Therefore, given Mr. Sutton's record of hostility to important civil rights and equal opportunity principles, we urge the Senate to reject his nomination to the U.S. Court of Appeals for the Sixth Circuit.

Sincerely,

WADE HENDERSON,
Leadership Conference on Civil Rights.
NAN ARON,
Alliance for Justice.

APRIL 28, 2003.

Hon. WILLIAM H. FRIST,
U.S. Senate,
Russell Senate Office Building,
Washington, DC.
Hon. THOMAS DASCHLE,
U.S. Senate,
Hart Senate Office Building,
Washington, DC.

DEAR SENATORS FRIST AND DASCHLE: We, the undersigned women's rights organizations, write to express our strong opposition to the nomination of Jeffrey Sutton to the United States Court of Appeals for the Sixth Circuit. Jeffrey Sutton is an experienced Supreme Court litigator who has gained prominence because of his staunch advocacy in

favor of states' rights and elevating state sovereignty over Congress' power to protect civil rights. As organizations dedicated to the advancement of women, we are extremely concerned about the growing resurgence of states' rights, particularly as a tool to undermine rights essential to women's progress. Jeffrey Sutton is not merely a proponent of state's rights—he has been the principal architect of an effort to curtail Congress' efforts to protect against discrimination and ensure equal opportunity. Indeed, his persistent, single-minded advocacy is reflected not only in his case participation, but also in his speeches and writings. His confirmation to a lifetime position on the federal bench threatens to dismantle the important gains that have been critical to women's success and we urge you to reject his nomination.

Jeffrey Sutton has argued before the Supreme Court in a number of seminal civil rights cases that have weakened the ability of Congress to protect women's rights. For example:

Mr. Sutton represented Alabama as amicus curiae in *United States v. Morrison*, 529 U.S. 598 (2000), and argued successfully that the civil rights remedy of the Violence Against Women Act (VAWA) was unconstitutional. Congress passed VAWA after hearing wide-ranging testimony that states were not adequately protecting women from violence motivated by gender. Despite substantial evidence gathered by Congress and the views of attorneys general from 36 states, Sutton argue that "there has been no tenable showing that the [s]tates have violated the Fourteenth Amendment through their regulation of gender-based violence." He not only volunteered to write this brief, but also wrote two subsequent articles for the Federalist Society which supported the Court's decision and its rationale.

Mr. Sutton played a significant role in weakening the Civil Rights Act of 1964, arguing in *Alexander v. Sandoval*, 532 U.S. 275 (2001), that citizens could not sue under Title VI to challenge federally funded programs that had the effect of discriminating on the basis of race, color, or national origin. This case has had a serious impact not only on Title VI cases, but also on the implementation of Title IX, which prohibits gender discrimination in federally funded education programs or activities. Because Title IX was modeled on Title VI, many courts have applied principles established under Title VI to Title IX cases. Already, at least four courts have found that Title IX retaliation claims were not actionable in the wake of the *Sandoval* decision. While further action in these cases is possible, these decisions illustrate the potential harm posed by *Sandoval* in cases challenging gender discrimination in education.

Mr. Sutton represented the state of Alabama in *Board of Trustees of the University of Alabama v. Garrett*, 531 U.S. 356 (2001), advancing a state's rights argument that ultimately led the Supreme Court to dismiss the claim of a woman who was fired because she had breast cancer and to further undermine the Americans with Disabilities Act. Despite evidence that Congress had mounted to show that states had a history of discrimination in their treatment of citizens with disabilities, Sutton argued to the contrary, and urged the Court to find that Congress had exceeded its power under the Fourteenth Amendment. These same legal arguments are now being used to challenge the Family and Medical Leave Act, another law that is critical to the ability of women and men to balance their work and family responsibilities.

Mr. Sutton's unyielding and extreme views on federalism and civil rights would restrict

Congress' power to pass civil rights laws and the abilities of individuals to seek redress for violations of those rights, as well as inhibit access to courts for people challenging illegal acts by their state governments. These views are contrary to the balanced approach we believe is necessary for a federal appeals court judge.

Because we believe Mr. Sutton's confirmation would accelerate the rollback of essential civil rights laws and undermine important gains for women, we urge you to oppose his nomination.

Sincerely,

American Association of University Women.
Business and Professional Women/USA.
Center for Women Policy Studies.
Choice USA.
Coalition of Labor Union Women.
Equity in Education and Employment.
Feminist Majority.
Gender Watchers.
Ms. Foundation for Women.
National Council of Jewish Women.
National Network to End Domestic Violence.
National Organization for Women.
NOW Legal Defense and Education Fund.
National Partnership for Women & Families.
National Women's Conference.
National Women's Law Center.
Northwest Women's Law Center.
Religious Coalition for Reproductive Choice.
Wisconsin Coalition Against Sexual Assault.
Women Against Abuse, Inc.
Women's Caucus for Political Science.
Women Employed.
Women Empowered Against Violence, Inc.
Women's Institute for Freedom of the Press.
Women's Sports Foundation.

— ADA WATCH,

Washington, DC, May 14, 2001.

Hon. PATRICK LEAHY,
U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: President Bush's nomination of Jeffrey Sutton for federal judgeship is of great concern to members of the disability community and it is our hope that you will be willing to meet with representatives of the ADA WATCH to discuss our opposition.

The ADA WATCH is a campaign to protect the civil rights of people with disabilities. This includes an informational network designed to alert and activate the grassroots to respond to threats to the ADA from Congress, the Administration, and the courts. Our 100+ member organizations include: ADAPT, National Council on Independent Living, American Association of People with Disabilities, Consortium for Citizens with Disabilities, Paralyzed Veterans of America, and the National Association of Protection and Advocacy Systems. While the ADA WATCH does not speak for any of these individual organizations, we are currently making the judicial nomination of Jeffrey Sutton a top priority and a great majority of our partners are united in opposing this nomination in light of Mr. Sutton's outspoken disregard for the civil rights of people with disabilities. The nomination of a lawyer who has enthusiastically argued against the constitutionality of the ADA is hardly consistent with the Bush Administration's stated support of the ADA and the legacy of the man who signed the ADA into law, President George H.W. Bush.

Mr. Sutton has made it clear that he is not supportive of the rights granted to people with disabilities by Congress through the passage of the ADA. Despite extensive documentation of state government discrimination against people with disabilities, Mr.

Sutton enthusiastically supported the position that Congress did not have the authority to create the important civil rights protections afforded by the ADA. Mr. Sutton told the Supreme Court last fall when he argued the Garrett case for Alabama that the ADA "exaggerated discrimination problems by states." He told the court that the ADA was "not needed" and used similar arguments to weaken civil rights laws in the Kimel and Sandoval cases. His belief that laws of the various states provide adequate protections ignores the hundreds of pages of testimony before Congress that detailed the discrimination faced by people with disabilities across the country at the hands of state government agencies.

Please understand the ADA WATCH's respectful opposition to this nomination and our concern that the nomination of Mr. Sutton represents a serious threat to the civil rights of people with disabilities.

Sincerely,

JIM WARD.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time? The Senator from Utah.

Mr. HATCH. Mr. President, I will only take a few minutes and then I intend to yield back the remainder of our time, as long as no one else wants to speak.

I appreciate the distinguished Senator from Iowa. I would have yielded time to him, had he needed time, without the extra 10 minutes that were asked for.

It seems to me the arguments on the other side come down to this. Mr. Sutton is outside the mainstream of American jurisprudence, that he advocated cases that literally the Supreme Court agreed with, that they disagree with, maybe I disagree with, but the Supreme Court did decide in at least two of those cases, nine to zip, in favor of Mr. Sutton's position. That is basically what it seems to come down to.

The fact is, Mr. Sutton, as an advocate, has an obligation to argue the best he can for his clients. He did that, winning 9 of the 12 cases that he had before the Supreme Court, and a number of them unanimously—that they have been complaining about. In the Garrett case, he got five Justices on the Supreme Court, a clear majority, to go along with his particular position.

I have read the letter from some of my colleagues on the Judiciary Committee that indicated he has never advocated for a civil rights position. That is pure bunk, and I have made that case here today.

What is behind this type of treatment of an excellent nominee such as Jeffrey Sutton? I can understand the distinguished Senator from Iowa who is a very strong advocate for persons with disabilities, as am I, who may not have read the full judicial record and who may not, as a nonlawyer, fully appreciate the role of an advocate. But it is very difficult for me to understand how members of the Judiciary Committee who are advocates themselves, who hold their attorney's licenses in good esteem, can make some of the argu-

ments they have made, and especially in the letter they distributed to all Senators.

The record flies in the face of those allegations. The fact is, I believe Jeffrey Sutton will be one of the most sensitive people towards persons with disabilities because he comes from that mindset. His father ran a school for persons with disabilities, kids who suffered from cerebral palsy. He worked for his father. He has argued for persons with disabilities and he has argued in cases where the Court decided against the Americans with Disabilities Act. But the Court made that decision.

Is the Court outside the mainstream of American jurisprudence? I am sure each of us in this body can find a case or two in which we disagree with the Supreme Court. I can find a lot of cases with which I disagree. But their pronouncements happen to be the law and that has been the law ever since *Marbury v. Madison*.

All I can say is that here is a person who is respected by his peers, who receives the highest rating from the American Bar Association—not a conservative organization, something that has been called the gold standard by my colleagues on the other side—who has eminent experience before the U.S. Supreme Court and other appellate bodies in this country, one of the premier appellate lawyers in the country, even though he is only 45 years of age, who has had extensive experience as an advocate for a wide variety of diverse people, who appeared before the committee and everybody on the committee, even those who are against him here today, admit he is a fine person with great ability.

But they try to smear the Federalist Society by saying these are Federalist Society nominees. That is a joke. The Federalist Society puts on the best seminars of any legal society in America today, and those seminars are always balanced with the left and the right. They give the left every chance to explain their position and give the right every chance to explain their position. That is precisely what a good legal society should do. They do not take advocacy positions but they do try to get people to think about the law.

I get a little tired of having the Federalist Society run down when some of the most eminent people in society are members of the Federalist Society, which is basically a debating society considering the various aspects of the law and making sure both sides are heard. That is pretty hard to beat.

I hope I am wrong, that the real reasons against Mr. Sutton is, No. 1, he is so good; No. 2, he has a chance of being on the Supreme Court someday and why not damage him now so he can't be there; No. 3, he might be pro-life, although I personally don't know what he is with regard to that issue. Those seem to be the major issues.

The fact is, he has the highest rating he can possibly have from the Amer-

ican Bar Association. He is an excellent lawyer. He is an excellent advocate. He is a person whom I believe will do justice on the courts. By all measurement by any fair person, any student of the law, you would have to conclude that this man not only is within the mainstream of American jurisprudence, but he is one of the leaders in the mainstream of American jurisprudence.

For the life of me, I don't understand why anybody would vote against Jeffrey Sutton. The mere fact that he may have represented some clients who they don't like, they on the other side, that is not a good enough argument. In fact, it is laughable. Good lawyers represent their clients.

In the Garrett case, contrary to what has been argued, he didn't ask for that case. He was called by the attorney general of the State involved and asked if he would be willing to represent them, if I recall correctly.

So the arguments that have been made—I haven't heard one meritorious argument on this whole debate. If you look at the record, there is every meritorious argument as to why those who really understand the law, those who really are fair about this process, would vote for Jeffrey Sutton.

Mr. President, if there is no one else who wants to speak, then I yield the remainder of my time.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. SESSIONS). Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. McCONNELL. I announce that the Senator from Kansas (Mr. ROBERTS) is necessarily absent.

Mr. REID. I announce that the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Arkansas (Mrs. LINCOLN), the Senator from Georgia (Mr. MILLER), and the Senator from Maryland (Mr. SARBANES) are necessarily absent.

I further announce that, if present and voting, the Senator from Maine (Mr. KERRY) and the Senator from Arizona (Mrs. LINCOLN) would each vote "no".

The result was announced—yeas 52, nays 41, as follows:

[Rollcall Vote No. 135 Ex.]

YEAS—52

Alexander	Chafee	Dole
Allard	Chambliss	Domenici
Allen	Cochran	Ensign
Bennett	Coleman	Enzi
Bond	Collins	Feinstein
Brownback	Cornyn	Fitzgerald
Bunning	Craig	Frist
Burns	Crapo	Graham (SC)
Campbell	DeWine	Grassley

Gregg	McConnell	Specter
Hagel	Murkowski	Stevens
Hatch	Nelson (NE)	Sununu
Hutchison	Nickles	Talent
Inhofe	Santorum	Thomas
Kyl	Sessions	Voinovich
Lott	Shelby	Warner
Lugar	Smith	
McCaIn	Snowe	

NAYS—41

Akaka	Dayton	Lautenberg
Baucus	Dodd	Leahy
Bayh	Dorgan	Levin
Biden	Durbin	Mikulski
Bingaman	Edwards	Murray
Boxer	Feingold	Nelson (FL)
Breaux	Harkin	Pryor
Byrd	Hollings	Reed
Cantwell	Inouye	Reid
Carper	Jeffords	Rockefeller
Clinton	Johnson	Schumer
Conrad	Kennedy	Stabenow
Corzine	Kohl	Wyden
Daschle	Landrieu	

NOT VOTING—7

Graham (FL)	Lincoln	Sarbanes
Kerry	Miller	
Lieberman	Roberts	

The nomination was confirmed.

• Mrs. LINCOLN. Mr. President, due to an electronic failure, I was absent during the vote on the confirmation of Jeffrey Sutton to be a United States Circuit Judge for the Sixth Circuit Court of Appeals. Had I been present, I would have voted "no" on his confirmation. After reviewing Mr. Sutton's record, I was not confident he could fulfill his obligation as a Federal appellate court judge to follow established precedent, interpret the law and Constitution fairly, and treat all litigants before him without favor or bias. In my estimation, Mr. Sutton's proactive and consistent advocacy to limit Federal civil rights protections is incompatible with the temperament and detachment I look for in nominees being considered for a lifetime appointment. •

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having passed, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:43 p.m., recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk has proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF PRISCILLA OWEN TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT

Mr. HATCH. Mr. President, I ask unanimous consent the Senate now resume consideration of the nomination of Priscilla Owen to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read the nomination of Priscilla Richmond Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, the Senator will proceed.

Mr. HATCH. Mr. President, I am pleased today to voice my strong support for the confirmation of Justice Priscilla Owen to the Fifth Circuit Court of Appeals. Justice Owen's nomination has been pending now for nearly 2 years—720 days in total, so I hope we can vote on it soon. Justice Owen is among the longest pending judicial nominees selected by President Bush. She was first nominated on May 9, 2001, so it is natural that we should move forward at this time.

I should say at the outset that I truly hope the news reports are inaccurate about another move by the other side to filibuster a well-qualified nominee and deny a vote by the full Senate. We know the usual liberal interest groups are crying for a filibuster, but we ought to do what the American people have sent us here to do, and vote.

I expressed a similar hope when Miguel Estrada's nomination reached the floor on February 5. Yet here we are 3 months and 4 cloture votes later and still he has not been allowed a vote.

We have 200 years of precedent for providing an up-or-down vote on judicial nominees and we should follow that.

If certain Senators do not like Priscilla Owen or Miguel Estrada, they ought to vote no. That is their right. But they ought to vote.

I fully support an open debate on Justice Owen's nomination. And we have had a number of debates already. I do not, however, support any filibuster on a circuit court nominee, or any judge for that matter, or, frankly, anybody on the Executive Calendar. I think in the past some of us voted against cloture on Executive Calendar nominees without realizing how important it is to not filibuster the President's nominees, whoever the President might be. I believe we have made those mistakes. And I believe I probably have. It is the wrong thing. But nobody has ever filibustered a circuit court of appeals nominee until Miguel Estrada. If they filibuster Priscilla Owen, that means two in 1 year in a procedure that has never before been used.

I fully support an open debate on Justice Owen's nomination. Like I say, we should not suffer through another filibuster. My colleagues on the other side of the aisle have already set a terrible partisan precedent in filibustering for the first time in history a circuit court nominee, Miguel Estrada. A simultaneous filibuster of two nominees would not only be unprecedented, but I think it would damage all three institutions even more. Let us have a full and open debate and then leave it

up to each Senator to decide for himself or herself by holding a simple up-or-down vote.

Let me now explain why I intend to vote yes on Justice Owen's nomination.

Justice Owen is a terrific selection for the Fifth Circuit Court of Appeals. She has the intelligence, the education, the experience, and the integrity we look for in a federal judge. A native of Texas, Justice Owen attended Baylor University and Baylor University School of Law. She graduated cum laude from both institutions and served as a member of Baylor's law review. In addition, she finished third in her law school class, which means that she is worthy of the appointment, something most lawyers can never dream about.

Justice Owen went on to earn the highest score on the Texas bar exam and thereafter accepted a position at the nationally ranked Houston law firm of Andrews & Kurth. She worked for the next 17 years as a commercial litigator with the firm, specializing in oil and gas matters and doing some work in securities and railroad issues.

Justice Owen has the full support of Senators HUTCHISON and CORNYN—both Senators from Texas—who know her well. Senator CORNYN has spoken in committee and on the Senate floor about his time working as a fellow Justice to Justice Owen on the Texas Supreme Court. Senator CORNYN has spoken to the criticism of Justice Owen's work on the bench and has made a strong case for Justice Owen's confirmation. I would commend Senator CORNYN's remarks regarding Justice Owen as worthy of the special attention of all my fellow Senators. Senator CORNYN's responses to criticisms of Justice Owen's judicial record are especially enlightening.

Former Texas Supreme Court Justices John L. Hill, Jack Hightower, and Raul Gonzalez—each of them a committed Democrat—also endorse Justice Owen. In particular, they note her impartiality and restraint on the bench. A group of 15 former Presidents of the Texas State Bar supports Justice Owen. This is no partisan group. They write: "Although we profess different party affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit."

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HUGHES LUCE LLP,
Dallas, TX, July 15, 2002.

Hon. PATRICK LEAHY,
Chairman, Committee on the Judiciary, 224 Russell Senate Office Building, Washington, DC.

DEAR CHAIRMAN LEAHY: As past presidents of the State Bar of Texas, we join in this letter to strongly recommend an affirmative vote by the Judiciary Committee and confirmation by the full Senate for Justice Priscilla Owen, nominee to the United States Court of Appeals for the Fifth Circuit.

Although we profess different party, affiliations and span the spectrum of views of legal and policy issues, we stand united in affirming that Justice Owen is a truly unique and outstanding candidate for appointment to the Fifth Circuit. Based on her superb integrity, competence and judicial temperament, Justice Owen earned her Well Qualified rating unanimously from the American Bar Association Standing Committee on the Federal Judiciary—the highest rating possible. A fair and bipartisan review of Justice Owen's qualifications by the Judiciary Committee certainly would reach the same conclusion.

Justice Owen's stellar academic achievements include graduating cum laude from both Baylor University and Baylor Law School, thereafter earning the highest score in the Texas Bar Exam in November 1977. Her career accomplishments are also remarkable. Prior to her election to the Supreme Court of Texas in 1994, for 17 years she practiced law specializing in commercial litigation in both the federal and state courts. Since January 1995, Justice Owen has delivered exemplary service on the Texas Supreme Court, as reflected by her receiving endorsements from every major newspaper in Texas during her successful re-election bid in 2000.

The status of our profession in Texas has been significantly enhanced by Justice Owen's advocacy of pro bono service and leadership for the membership of the State Bar of Texas. Justice Owen has served on committees regarding legal services to the poor and diligently worked with others to obtain legislation that provides substantial resources for those delivering legal services to the poor.

Justice Owen also has been a long-time advocate for an updated and reformed system of judicial selection in Texas. Seeking to remove any perception of a threat to judicial impartiality, Justice Owen has encouraged the reform debate and suggested positive changes that would enhance and improve our state judicial branch of government.

While the Fifth Circuit has one of the highest per judge caseloads of any circuit in the country, there are presently two vacancies on the Fifth Circuit bench. Both vacancies have been declared "judicial emergencies" by the Administrative Office of the U.S. Courts. Justice Owen's service on the Fifth Circuit is critically important to the administration of justice.

Given her extraordinary legal skills and record of service in Texas, Justice Owen deserves prompt and favorable consideration by the Judiciary Committee. We thank you and look forward to Justice Owen's swift approval.

Sincerely,

DARRELL E. JORDAN.

On behalf of former Presidents of the State Bar of Texas: Blake Tartt; James B. Sales; Hon. Tom B. Ramey, Jr.; Lonny D. Morrison; Charles R. Dunn; Richard Pena; Charles L. Smith; Jim D. Bowmer; Travis D. Shelton; M. Colleen McHugh; Lynne Liberaito; Gibson Gayle, Jr.; David J. Beck; Cullen Smith.

Mr. HATCH. Mr. President, Justice Owen is recognized for her services for the poor and for her work on gender and family law issues. Justice Owen has taken a genuine interest in improving access to justice for the poor. She successfully fought with others for more funding for legal aid services for the indigent. Hector De Leon, former president of Legal Aid of Central Texas, has written: "Justice Owen has an understanding of and a commitment to the availability of legal services to

those who are disadvantaged and unable to pay for such legal services. It is that type of insight and empathy that Justice Owen will bring to the Fifth Circuit."

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DE LEON, BOGGINS & ICENOGLE,
Austin, TX, June 26, 2002.

Hon. PATRICK LEAHY,

Chairman, Committee on the Judiciary, U.S. Senate, Russell Senate Office Building, DC.

DEAR SENATOR LEAHY: This correspondence is sent to you in support of the nomination by President Bush of Texas Supreme Court Justice Priscilla Owen for a seat on the U.S. Court of Appeals for the Fifth Circuit.

As the immediate past President of Legal Aid of Central Texas, it is of particular significance to me that Justice Owen has served as the liaison from the Texas Supreme Court to statewide committees regarding legal services to the poor and pro bono legal services. Undoubtedly, Justice Owen has an understanding of and a commitment to the availability of legal services to those who are disadvantaged and unable to pay for such legal services. It is that type of insight and empathy that Justice Owen will bring to the Fifth Circuit.

Additionally, Justice Owen played a major role in organizing a group known as Family Law 2000 which seeks to educate parents about the effect the dissolution of a marriage can have on their children. Family Law 2000 seeks to lessen the adversarial nature of legal proceedings surrounding marriage dissolution. The Fifth Circuit would be well served by having someone with a background in family law serving on the bench.

Justice Owen has also found time to involve herself in community service. Currently Justice Owen serves on the Board of Texas Hearing and Service Dogs. Justice Owen also teaches Sunday School at her Church, St. Barnabas Episcopal Mission in Austin, Texas. In addition to teaching Sunday School Justice Owen serves as head of the altar guild.

Justice Owen is recognized as a well rounded legal scholar. She is a member of the American Law Institute, the American Judicature Society, The American Bar Association, and a Fellow of the American and Houston Bar Foundations. Her stature as a member of the Texas Supreme Court was recognized in 2000 when every major newspaper in Texas endorsed Justice Owen in her bid for re-election to the Texas Supreme Court.

It has my privilege to have been personally acquainted with various members of the U.S. Court of Appeals for the Fifth Circuit. The late Justice Jerry Williams was my administrative law professor in law school and later became a personal friend. Justice Reavley has been a friend over the years. Justice Johnson is also a friend. In my opinion, Justice Owen will bring to the Fifth Circuit the same intellectual ability and integrity that those gentlemen brought to the Court.

I earnestly solicit your favorable vote on the nomination of Justice Priscilla Owen for a seat on the U.S. Court of Appeals for the Fifth Circuit.

Thank you for your attention to this correspondence.

Very truly yours,

HECTOR DE LEON.

Mr. HATCH. Mr. President, Justice Owen is committed to opening opportunities to women in the legal profession. She has been a member of the Texas

Supreme Court Gender Neutral Task Force, and she served as one of the editors of the Gender Neutral Handbook, a guide for all Texas lawyers and judges on the issue of recognizing and combating gender bias in the legal field. Incredibly, this is the same woman the usual interest groups mischaracterize as "anti-woman."

Justice Owen's confirmation is backed by Texas lawyers such as E. Thomas Bishop, president of the Texas Association of Defense Counsel, and William B. Emmons, a Texas trial attorney and a Democrat who says that Justice Owen "will serve [the Fifth Circuit] and the United States exceptionally well."

You can see the type of bipartisan support Justice Priscilla Owen enjoys.

Justice Owen has served on the Texas Supreme Court since 1994, winning re-election to another 6-year term in the year 2000. She had bipartisan support, earning the endorsement of all major Texas newspapers and the endorsement of the Texas voters—84 percent of the electorate to be exact.

This kind of support—running across the board and across party lines—leaves no doubt that Justice Owen is a fair-minded, mainstream jurist.

The fact that Justice Owen earned an ABA rating of unanimous well qualified, the gold standard of many of my colleagues on the other side when evaluating judicial nominees, is further evidence of Justice Owen's fitness to serve on the Fifth Circuit Court of Appeals.

This well qualified rating means that Justice Owen is at the top of the legal profession in her legal community; that she has outstanding legal ability, breadth of experience, and the highest reputation for integrity; and that she has demonstrated, or exhibited the capacity for, judicial temperament.

This ranking comes only after careful investigation and consideration. There is close examination of the nominee's legal writing—whether judicial opinions, law review articles, or other scholarship. Lawyers in private practice and in the public sector are interviewed and provide their candid assessment of the nominee. Those interviewed may be law school professors, lawyers working for public interest services, members of bar associations and legal organizations, and community leaders. Men and women of all backgrounds are invited by the ABA to assess the nominee's fitness for judicial service. All of this investigation is done to provide a full picture of the nominee's qualifications for the federal judiciary.

Justice Priscilla Owen will be a great asset to the Fifth Circuit. One can nitpick at her record, as many have done, and will no doubt continue to do, but when we lay out her full record and look at it with a sense of balance, we see a judge who honors the law and lives up to her judicial oath.

I express my hope, once again, that we will commit to hold a debate and

then vote on Justice Owen's confirmation. This will allow each Senator to decide the merits of her record for himself or herself and allow the entire Senate to fulfill its constitutional duty.

I, for one, hope we are not set up for another filibuster—another first time in history. I hope that will not be the case, but if it is, I hope we can face it head on. Ultimately, I hope we can somehow or other pull out the stops and get a vote for Justice Owen up and down. Those who do not agree with her can vote against her; and those who do, can vote for her.

This is an excellent woman, one of the best nominees I have seen in my whole 27 years on the Senate Judiciary Committee. I do not think you can find better people than Justice Owen. I personally believe she is a person of great capacity, and I think her record proves that.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, the Democratic leader is on his way to the floor and wants to be the first speaker on this matter on our side. We wish that he be the first speaker. In light of that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. DASCHLE. Mr. President, I note we are now debating the Owen nomination. This morning we had a debate, as we have had over the last several days, on the Sutton nomination. There were those who supported Mr. Sutton. Many of us opposed him, we think for good reason. But there ought to be a recognition that, as we consider all of those nominees who come before the Judiciary Committee, there are those, of course, that will divide us but there are many that ought to unify us, that ought to bring us together in recognition of the importance of the record that has already been made with regard to judges these past 2½ years since this administration has come to office.

In that time, the Senate has now confirmed 119 circuit and district judges. I am told that is a record in that period of time, that we have never confirmed that many judges over that period of time. But whether it is a record or not, arguably there are other times when we have been virtually as productive.

We have only opposed two of those nominations. Judge Priscilla Owen was opposed before, and is opposed now. Judge Pickering, of course, in the committee was defeated 2 years ago. The only other nomination to come to the floor, as I said—the second one—is

Judge Estrada, and that has to do with his lack of cooperation and his unwillingness to bring forward the documents that we think ought to be required if we are going to make a collective and a thoughtful judgment about his qualifications.

There are others who have been considered in the committee that I have offered to the distinguished Republican leader, the majority leader, who could be brought up and passed in a very short period of time.

One of those judges is Judge Edward Prado. Judge Prado happens to be in the same circuit as Judge Owen. Judge Owen is from the Fifth Circuit. So is Judge Prado. Judge Prado also happens to be Hispanic. There have been numerous statements on both sides of the aisle with regard to the importance of Hispanic nominees, nominees of any minority. Cases have been made for improving the diversity on the courts. It is in the interest of diversity and the interest of moving forward on those judges for whom there could be agreement that I wanted to come to the floor this afternoon and simply say: Let's take up those for which there is overwhelming agreement. As I noted, Judge Prado is one of those nominees.

I intend to ask unanimous consent that we agree at least on this nominee and many others. We may continue to disagree on the Owen nomination, and we will get into the reasons in the course of the debate. But there is no reason to hold hostage those nominees for whom there is agreement. So I thought it would be appropriate for us to set aside the Owen debate for 3 hours this afternoon so that we can take up an Hispanic nominee who enjoys broad bipartisan support. I would guess if there were a rollcall on Mr. Prado this afternoon, it would pass, if not unanimously, virtually unanimously.

We have a choice this afternoon. We have a choice of continuing this debate, this divisive debate on Priscilla Owen, which we may be forced to experience, or we could at least take a reprieve from that divisive debate and take up a qualified nominee, a Hispanic nominee on whom there is virtually no disagreement.

I ask unanimous consent that the Senate now proceed to Executive Calendar No. 105, the nomination of Edward C. Prado of Texas to be a U.S. Circuit Court Judge for the Fifth Circuit; that there be 3 hours of debate on the nomination equally divided between the chairman and ranking member; that at the conclusion or yielding back of the time, the Senate vote, without intervening action, on the confirmation of the nomination; that the motion to reconsider the Senate's action be laid upon the table; and the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

Mr. HATCH. Reserving the right to object, I believe the majority leader re-

alizes there is a way of doing this and a way not to do this. I will have to object to the unanimous consent request because Priscilla Owen has been nominated for the exact same court of appeals as Judge Prado. We all agree Judge Prado is an excellent candidate and nominee, and we intend to fully support him and to have him confirmed. We also know there is the matter of seniority and a number of other matters as well.

In addition, the majority leader has seen fit to bring the Owen nomination to the floor, because we hope to have a vote up or down on Priscilla Owen. We look forward to that particular vote. We would like to confirm her first.

I made it clear a short while ago, in fact early in the year, that we would try on the Judiciary Committee, to the extent that we can, to bring people up in chronological order. Justice Owen has been sitting in the Judiciary Committee as a nominee on the Executive Calendar for 2 years this May 9. So within a week and a half, she will have been sitting there for 2 solid years. It is only fair to ask that her nomination be acted upon first. We fully intend to do that although it has no reflection at all on Judge Prado.

I have to object at this time. We will get to Judge Prado in due course in the way it should be done, not by bringing him up out of order and not by trying to upset the motions of the majority leader in this body. I look forward to that. Having said all of that, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader.

Mr. DASCHLE. Mr. President, let me just say how disappointed I am at the decision made by our Republican colleagues. The distinguished chair of the Judiciary Committee made a comment that I may have misunderstood. I think he said there really is no difference between the Owen nomination and the Prado nomination with regard to Senate consideration. There is a huge difference.

The Owen nomination, of course, came before the Judiciary Committee in the last Congress. Her nomination was defeated in the Judiciary Committee. It is rare, almost unheard of, for a defeated nominee to be brought back before the committee and then brought back before the Senate.

There is a significant difference between the Owen nomination and the nomination of Edward Prado. Edward Prado was before the committee and now before the Senate in part because of his overwhelming support on both sides of the aisle, because he came before the committee, presented his qualifications and, as a result of those qualifications, was voted out unanimously. There is absolutely no reason to hold Mr. Prado hostage to other controversial nominees. If we wait until we resolve the Owen nomination, Mr. Prado will never be confirmed because I doubt that Ms. Owen will be confirmed. So that is a criterion I hope

will be reconsidered by our colleagues on the other side.

Again, let me express my disappointment and my hope that our colleagues will reconsider as we bring this unanimous consent request back to the floor at a later date.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I have a perfect solution to the distinguished minority leader's suggestion. I would like to have Judge Prado brought up as well. I ask unanimous consent that with respect to the Owen nomination, which was reported on March 27, there be 8 additional hours for debate prior to the vote on the confirmation of the nomination.

Mr. DASCHLE. Mr. President, I object.

Mr. HATCH. Then I modify my request to allow for 10 hours.

Mr. DASCHLE. Mr. President, as I noted before, there are many concerns. This nominee was defeated before the Judiciary Committee in the last Congress, and for many good reasons. We will have the debate. There is no way that 10 hours will accommodate the debate that will be required on Ms. Owen.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

Mr. HATCH. Mr. President, I think I have the floor.

The PRESIDING OFFICER. The Senator from Utah retains the floor, and the Chair has heard an objection.

Mr. HATCH. I yield to the Senator from Nevada without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Parliamentary inquiry: If Senator DASCHLE's request had been that we move to Prado without the conditions he set forth as to time, is that a debatable motion? We are in executive session.

The PRESIDING OFFICER. At this time, it would be a debatable motion.

Mr. REID. I don't want to do that because the Senator from Utah has the floor, but I want everyone to understand, as soon as I get the floor, I will move to Prado. That is debatable.

The PRESIDING OFFICER. The Senator from Utah has the floor.

Mr. REID. Mr. President, if I may complete my statement, I think we would be in a very strange situation where we would have the Republicans filibustering our moving to Prado.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, that is not only absurd, it is ridiculous. But that is typical of what is going on here. Rather than give an honest vote up or down, which is what advise and consent means under the Constitution, they would prefer to try to take back the floor, although they are in the minority.

I have nothing against Judge Prado. In fact, I will vote for him. I think he is terrific. But it is unseemly for them

to try to interrupt the Owen nomination, which has been brought to the floor in accordance with the usual procedures around here, to try to justify their obstruction of not only Miguel Estrada but also Justice Owen by voting for another nominee and making it look as if they are being reasonable about these matters.

First of all, this is the first time in the history of this Republic that a second nominee for a circuit court of appeals is being filibustered.

To make it look like they are not filibustering, to make it look like they are being reasonable, they are trying to overrule what the majority leader has brought to the floor. I suspect if the Parliamentarian continues to maintain that ruling, we will have to face that problem.

Will our colleagues on the other side stop at nothing in their zeal to obstruct a vote up or down on President Bush's nominees? I think it shows even further how broken the Senate is, how broken this procedure and process is.

Now, my Democratic colleagues have brought up the fact that Priscilla Owen was defeated last year. Let us remember that she was defeated on a party line, partisan vote, a vote of obstruction. After the first of this year, she was brought up again in committee and passed through the committee with a majority vote—again, a straight partisan vote. All Republicans voted for her and all Democrats on the committee voted against her.

Mr. President, I think it is unseemly what the Democrats are trying to do. I think they are trying to cover up their approaches. I think they are trying to cover up their obstruction. I think it is an insult to Justice Owen, an insult to the President of the United States, and it is unfair. Unfortunately, I suspect we have to live with this type of unfairness.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from Nevada is recognized.

Mr. REID. Mr. President, I say to my friend from Utah, earlier today, the majority leader announced there would be no votes today. He has been always very cooperative with me. So I am not going to move to the nomination of Prado today. But I want to put my friend on notice, as well as everybody else, that tomorrow, when we are going to be in a period of time where we can vote, I will do that.

I say to my friend from Utah, who is my friend, that I have respect for him and his legislative abilities and his fine legal mind. But I believe we should not get bogged down with Miguel Estrada and Priscilla Owen. There are many other things we can do to move forward with lots of Judiciary Committee appointments, as was seen from the vote today. We had 41 votes here. I think with Priscilla Owen and Miguel Estrada there have been extraordinary circumstances that have caused us to do what we have done. There is no need

to go over again why we feel as strongly as we do with Miguel Estrada. The record is replete with that. With Priscilla Owen, the record hasn't been made, but it will be. Here is a person we feel should not be on the court; as simple as that.

I see my friend who was chair and is now ranking member of the important Judiciary subcommittee which deals with judges. So I believe we are fighting over issues that really are not helpful to the family. We have heard a lot of talk here saying let's get Hispanic people on the court. We have Prado; he is Hispanic. Let's move him this afternoon or tomorrow. Also, I am quite certain my friend from Utah did not mean this. I understand why the majority wants to have an orderly process to handle judicial nominations. It is understandable. But there are certain times when you have to clean your house on Friday and not Saturday. Things come up. In this instance, I suggest that there has been a tentative agreement worked out, for example, on Roberts, who has been waiting a long time to become a circuit court judge. Using the logic that I just heard from my friend from Utah, because Estrada is up ahead of him, maybe we should not move to Roberts. But maybe because Roberts has been around longer, he would supersede Estrada.

The point is I think the seniority issue means a great deal in a legislative body but very little in a judicial body. I know that one of the fine people on the Ninth Circuit—I think my friend from Utah would understand he has been an outstanding jurist—Procter Hug, of Stanford Law, served on the court a long time and became the chief judge of the Ninth Circuit. That is based on seniority. But we are not here talking about who is going to be the chief judge of the Fifth Circuit. We are talking about trying to get judicial nominations filled as quickly as we can.

The President said he wants them, and the majority leader said he wants more judges. The chairman of the Judiciary Committee said he wants more judges. We are here to please. We are willing to work. We have approved 119, and there is no reason that by the end of this week we could not get up over 120. We can do that, including Judge Prado. So I hope we can move beyond Priscilla Owen.

I say as respectfully as I can that Priscilla Owen is not going to be approved. Fact. I don't know everything, but one thing I do know is where the votes are most of the time. Priscilla Owen is not going to be approved. We should get off of her and go to something else.

If the majority wants us to go through lots of cloture votes on her, we will march down here and do the same as we have done on Miguel Estrada. I am prepared to lay out why, and I will do that if necessary, and I am sure others can do it. That is why we should move to more substantive matters.

My friend from New York is here and he knows much more than I do about this judge. I know plenty, but not as much as he does because that is one of his obligations as a Member of the Senate—to take care of judges in the country.

Mr. President, let me just say again that we are not here picking fights that we don't feel are not essential to what we stand for. Not very often do we choose to go to battle—very rarely. There are a lot of these judges I voted against because I don't think they are mainstream judges, but they are judges and they have lifetime appointments. The Democratic leader, supported by his caucus, said there are two judges we are not going to let through: Miguel Estrada—and we know the conditions there that will not be met—and Priscilla Owen.

It is not as if we are stopping everything going on with judges. When I go home, it is amazing. It happens that people say things and people have written editorials in opposition to my view saying: Isn't it terrible that he is holding up the judges? When I have had the chance to explain that we had approved 109 and turned down 1, that didn't seem too alarming. Now it is 119 to 2. That kind of quiets whole audiences.

The President of the United States was the owner of a baseball team. Boy, I will tell you, he would like to have a batting average with his team members like that, where for every 119 times up to bat, they made outs on only 2 occasions. Not bad. Ted Williams could not match that, Mr. President.

I would hope, again, everyone understands that we are not out cruising for a bruising. We are standing for what we believe is a principle, that we want a judiciary to be as good as it can be. It cannot be our judiciary—we understand that—but there are certain times when we draw a line in the sand. We have done it on two occasions. That is a pretty deep line we have drawn and people should understand that and not waste the time of the Senate.

We have so many other things to do. We have 13 appropriations bills to move. We have one new subcommittee on homeland security. It is going to be extremely difficult. We have a new chairman, a new ranking member. The whole subcommittee is made up of new people. It is going to be difficult to get that bill done. It is going to take some time. We should be moving toward that.

I went to a press conference that was sponsored by the Congressional Black Caucus, Hispanic Caucus, Native American Caucus, and Asian Pacific Caucus. They asked me to drop by, and I was happy to do that because it, again, suggested to me that we have to do something about our health care crisis. Forty-five million Americans have no health insurance, none. There are millions more who are underinsured. A significant number of those 45 million and those who are underinsured are people represented by those caucuses

because of the diseases that people have in their genes as a result of being of that ethnicity. That is what we should be working on.

The State of Nevada is in desperate shape financially, as are 42 other States in this country. The Republican Governor of the State of Nevada has moved to increase taxes. He is no left-wing Socialist. He is a man who is 65 years old, who spent his entire life helping kids and being an outstanding businessman in the State of Nevada. He said: We are desperate.

One reason they are desperate is the Federal Government has failed the State of Nevada. We have required the State of Nevada to do all kinds of things in homeland security that they are paying for, and we are not helping.

In the Clark County School District there are about 260,000 kids. They are desperate for money. They are talking about creating a 4-day school week. Imagine that. They are talking about dropping band and some athletic programs. People may laugh and say, good, get rid of them, but the way I feel about it is those programs are some of the most important programs young people have. They develop character. It gives them a sense of worth. That is what education is all about.

We passed this Leave No Child Behind Act. It was something that had bipartisan support, but we have not funded it.

Those are the things we should be doing, rather than spending days—not minutes, not hours, but days—weeks, going into months on Estrada, and I guess Owen. I think it is wrong. We have too many other important things to do.

We have an environment about which we should be concerned. We are not dealing with those issues. Do we need to improve the Clean Air Act, the Clean Water Act? Do we need to do something about Superfund? As a member of the Environment and Public Works Committee, having been chairman of it twice, there are lots of things we can do, but it cannot be done if we are spending all of our time on two judges who are not going to become the judges that they have been nominated to become. That does not mean that we have ruined the judicial system.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, let's be honest about this. The Senator has been very blunt, very forthright and honest in his remarks that they intend to stop Miguel Estrada and Priscilla Owen. So now we are in the second filibuster. Let nobody have any illusions, we did not know until now that literally they were going to filibuster Priscilla Owen. Now we have two first-time-in-history filibusters against circuit court of appeals judges because the minority does not like these two judges, even though both of them have their gold standard imprinted upon them, unanimously well qualified, by their gold standard, the American Bar Association.

It is unseemly, and it appears to anybody who is a fairminded person that there is no real desire to treat Miguel Estrada, with all of his qualifications, and Priscilla Owen with all of her qualifications, in a fair manner. It is also very apparent that the President of the United States is not going to be treated in a fair manner as well.

I have no objection to Judge Prado. If that is what they want to do, we will see about that, and we will see about it tomorrow. The fact is, that does not negate the fact that for the first time in history we have this type of obstruction rather than up-or-down votes of executive nominee judges for the circuit court of appeals.

I hate to think how this body has devolved from a body that works together to try to albeit argue and fight over certain nominees, but usually and always in the past we voted on them, how it has devolved into this morass whereby two excellent people with the highest recommendations from the American Bar Association and virtually everybody in their communities are being held up for no good reason at all, other than obstruction.

Now we at least know where we stand. I am willing to say I believe both of these people will be confirmed in the end, and I believe our colleagues on the other side are going to see that confirmation occur. At least that is what I intend. I hope we can fully debate these matters and then vote up or down. If my colleagues do not like Miguel Estrada, vote against him. If they do not like Priscilla Owen, vote against her. But do not do this anticonstitutional approach of filibustering Executive Calendar circuit court of appeals nominees for the first time in history.

We have been willing to put up with a certain amount of this, but there is going to be an end to this type of obstruction. It has got to come to an end, and I intend to see that it comes to an end if I can. I may not be able to, but I think there is a way we can do that. I am just warning the other side that I believe sooner or later we are going to have up-or-down votes on these two jurist candidates.

I think it is pretty hard to make a case against Priscilla Owen that does not distort her record, that is factual and nondistortable. I think it is going to be very difficult to make a case against her. For the life of me, I do not understand why our colleagues on the other side are filibustering this excellent woman, who has such impeccable credentials. They have plucked a couple of cases out of the air to criticize her. I venture to say any judge who has been around for a considerable period of time, any of us could find some faults with that judge or we could find cases with which we do not agree. But relatively few matters can they point to that would justify the kind of treatment Priscilla Owen is receiving at this time.

I think we should continue the debate. I intend to do so, and we will see

where we go from there. I hope my colleagues will be fair, but so far I have not seen it. I think we are in the middle of an obstructive set of tactics that are beneath the dignity of the Senate.

Be that as it may, our colleagues do have certain rights. I respect those rights and we will just see where we go from here. I believe Priscilla Owen ought to be confirmed, as I believe Miguel Estrada ought to be confirmed, as I believe Mr. Sutton, who is now confirmed, needed to be confirmed.

With regard to Roberts, I might as well make it clear we already have a deal. We have made an agreement. So that should not even enter into this question of whether one person should be confirmed ahead of another. I agree that is a *comme ci, comme ça* type of thing, but we expect to have a vote on Mr. Roberts. So we will revote him out of committee. We have a rehearing after 12 hours of hearings.

We were promised a vote on Justice Cook from Ohio. I hope that vote will be tomorrow, or the next day, in accordance with the agreement we made, because she was supposed to come up right away within a week. Roberts will be up for his second extensive confirmation hearing tomorrow. I intend to be there. Then he will be put on the markup a week from this Thursday. We have had a good-faith assurance that they will not try to put him over for another week.

So let's hope our colleagues live up to this agreement. It has not been an easy one for me to make, but we have made it. There have been some pluses to us and some pluses to them. But it is done.

So Roberts is not part of the equation, nor should he be used as part of the equation.

It is the desire of the majority leader to have Owen approved first. On the other hand, we will see what happens tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, I enjoy listening to all of our colleagues: Our leader from South Dakota, my friend from Nevada, and of course my good friend from Utah, who is just an excellent debater. I would say he is indefatigable because he is on the floor all the time.

I am rising in opposition to Priscilla Owen, and I have a whole bunch of points I would like to make. But I would like to just answer my good friend from Utah on two.

He constantly is using the word right now, "obstruction." It would seem logical by his definition that nonobstruction is only when we approve every judge the President has nominated. The fact is that there are 119 who have been approved and only 3, if you include Judge Pickering in this—that is, Miguel Estrada, Priscilla Owen, and Judge Pickering—only 3 have been held up. Is it fair, I ask my friend from Utah, to call that obstruction?

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I will; 119 judges approved, 3 held up. That has been done with greater speed than in any time that anyone has heard of, in terms of the period of time.

So I just ask my colleague, is the only way we can fail to be obstructionist by approving every single judge the President nominates? Because we have come darned close. We only opposed three, and the word "obstruction" flows like water from my good friend's lips.

I yield.

Mr. HATCH. I appreciate the Senator yielding to me on that particular question because, yes, it is obstruction. For the first time in history to now, I understand from the Senator, he will be obstructing three circuit court of appeals nominees: Miguel Estrada, Priscilla Owen, and Judge Pickering; three nominees filibustered for the first time in history.

I agree with the distinguished Senator; I think there have been 119, with Jeffrey Sutton, who have been confirmed. That is a good record. But most of them are district court nominees who act as federal trial judges. There are a number of circuit court of appeals nominees. Five of them are still held over, as I recall it, from May 9 of 2001. Five of those original eleven are still not confirmed. There are all kinds of judicial emergencies out there that we are trying to take care of that are being obstructed. Yes, I think it is obstruction.

I do not expect my colleagues on the other side to approve everybody the President nominates. Vote against them. If you don't approve, vote against them.

Mr. SCHUMER. I would just like to reclaim my time.

Mr. HATCH. Sure. But I am saying if you don't approve of them, vote against them. We didn't obstruct yours. We voted. Everybody who came to the floor was voted upon, and there was no filibuster conducted by us.

Mr. SCHUMER. Reclaiming my time, I would remind my colleague that within a single day, cloture votes were held on Judge Paez and Judge Berzon. There were attempted filibusters on the other side. They waited large numbers of years—more years than Priscilla Owen, Miguel Estrada, or Judge Pickering have waited. I didn't once hear my friend from Utah call it obstruction.

What is good for the goose is good for the gander. There were cloture votes held. There is only one difference—actually there is no difference. Cloture was achieved eventually. But the bottom line is this is not true. For Paez and Berzon I think it was the same day, it may have been within a day of one another—cloture votes were held because a filibuster was being conducted.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I will yield in a minute. It was run by a number of his

friends. I know my friend from Utah will say he worked out a deal and eventually they were approved. So I ask him, when he answers that, to remind all of us how long they waited to be approved. Was it a year? Was it 2 years? No.

So, if my good friend from Utah would have the same patience, and sort of maybe we can come to an agreement 2 or 3 years from now—maybe after 2004—then we would be being fair; we would be judging one side and the other with the same standard.

Unfortunately, there has been a double standard here, when my good colleagues from Alabama and the now-Attorney General but then-Senator from Missouri and others launched filibusters—

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. Against two nominees for the Ninth Circuit. Those folks waited years, longer times than any of the three we have mentioned. I didn't hear the word "obstruction."

I will be happy to yield.

Mr. HATCH. Remember, on Judge Paez, I was the one who moved Judge Paez admittedly in the 4 years. But in that 4-year period he issued a number of hearings that were highly suspect, not only by people on our side but some on your side. We had other investigations that had to be conducted. Admittedly, it was too long; there is no question in my mind. That is a glaring example.

In the case of Judge Berzon, I was the one who pushed her through. With regard to cloture votes—

Mr. SCHUMER. I would ask my colleague to yield for another question. How long did Judge Berzon wait?

Mr. HATCH. I don't recall how long she waited.

Mr. SCHUMER. I believe the record will show it was a longer time than any of these we are talking about.

Mr. HATCH. I don't know if that is true or not. All I can say is I was the one who put them through.

I also have to correct the record because there has never been a true filibuster against President Clinton's nominees or any other Democrat President's nominees—never. There have been cloture votes. In most of the cloture votes, those were time management approaches. Yes, we had a few people over here who wanted to filibuster, but we were able to stop them. There was no case—none, zero, nada, not ever—where a Democrat nominee who was brought to the floor was not ultimately voted on up or down—never—until this year with Estrada and now Priscilla Owen, and I presume, from what you have said, perhaps Judge Pickering.

My contention is this. I know the distinguished Senator from New York is a good lawyer. He is a good friend. I value his friendship. But the fact is, I think there is much merit in having healthy debate, raising the difficulties you have with a judge, but then having a vote up or down. Vote whichever way

you want to, for or against. But it is unseemly to start clogging up the Senate with true filibusters for the purpose of trying to stop these people from having a vote up or down. That was never done, not at any time during my tenure as chairman, and I made sure it wasn't done because I don't believe that is constitutionally a sound thing to do.

Mr. SCHUMER. I thank my colleague. But I say my good friend from Utah had another method even more effective in bottling up judges, and that was never bringing them up for a vote. I think it is hard to see how keeping someone from a vote in the Judiciary Committee when there were vacancies on the bench, when those nominees waited and waited and waited, is any more commendable. To me, it seems certainly less commendable than bringing them up for a vote and then having a large number of Senators—not a majority but certainly more than 40 percent of this body, as the rules of the Senate allow—not do it.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I am going to move on now.

I will be happy to yield. But the bottom line is that there is a lot of sophistry going on here in terms of argument—not in terms of individuals. When you are forced to invoke cloture to get a vote, if that is not a filibuster, I don't know what is. It seems to me it is. When you don't allow a nominee to come to the floor and get a vote and you don't even bring them before the Judiciary to bring a vote, that is OK. But when they get the vote in Judiciary and then they come to the floor and large numbers of Members feel so strongly that in only 2 cases out of 119 they say this is the only method we can use to stop it, that is wrong. It makes no sense.

Finally, I would say this: It is obstruction when you stop any one of the President's nominees, because what our friend from Utah says he must do when he says just have them come up for a vote is to pass every nominee because, for whatever reason, the discipline on that side is such that they will always get 51 votes.

I am proud of what we have done. I believe we are upholding the Constitution. I believe we are checking the arrogance in the White House, particularly with Miguel Estrada and his refusal to even answer any questions. I believe history will look very kindly on this effort. They will look at it as courageous. They will look at it as right. They will look at it as judicious because it has not been used willy-nilly. They will look at it as fair.

I know my colleague from Utah is doing his job. He does it very well. My hat is off to him. But ultimately all he wants us to do is spend a little time debating each nominee and then approving each one, no matter what—whether they answer questions or not; whether he said, Well, Judge Paez had some bad cases that he ruled on.

Guess what. We think Judge Owen has a lot of bad cases. And some of them were called bad by very conservative colleagues of my friend: The White House counsel, then-Judge Gonzales; and the junior Senator from Texas, then-Judge CORNYN, on the record—very rare—chastising Judge Owen for going way beyond the law. These were not liberal Democrats. These were not even moderate Republicans. I don't think it is disputable that in the eyes of many, Judge Owen has "some bad cases." And if it was permissible to delay Judge Paez for 4 or 5 years because of some bad cases, then clearly we should just have begun on Judge Owen.

Mr. HATCH. Will the Senator yield?

Mr. SCHUMER. I would be happy to yield.

Mr. HATCH. I appreciate the Senator yielding. I think it is a credit to him. We don't have enough debates around here where we have interchanges with each other. We stand up and make speeches, and generally they are written speeches. We don't have this type of high-quality debate.

Let me just answer the Senator on a few of his assertions that I think are profoundly wrong.

First of all, they were not just a few bad cases. They were activist cases that were clearly outside the realm, in the eyes of many, including mine, of what good judicial conduct should be. Second, I think there were other reasons—further investigation and so forth. But even more important than that, I would put my report record up as chairman of the Judiciary Committee against any Democrat chairman—my chairmanship with a Democrat in the White House—against any Democrat chairman with a Republican in the White House with regard to how many people were held over who didn't make it through the process.

For instance, when JOE BIDEN was chairman and the Democrats controlled the committee in 1992 and President Bush left office, there were 97 vacancies and 54 left holding. Two of the fifty-four included Mr. Roberts—who is going to come up again for another hearing tomorrow in committee—and Judge Boyle from North Carolina, who have been sitting there for over 12 years. We didn't complain about it. I think maybe somebody complained, but I didn't. We understand that there are some holdups.

Mr. SCHUMER. Reclaiming my time—

Mr. HATCH. Please let me finish.

Mr. SCHUMER. They were never nominated by President Clinton.

Mr. HATCH. I understand. They were nominated by a Republican President. Let me finish this. My colleague has been very generous with his time.

Mr. SCHUMER. I am happy to have the debate, and I want to clear the record. They were not sitting for 12 years and not disposed of at the end of Congress and not renominated by a new President.

Mr. HATCH. They were nominated—both of them—three times by two different Presidents. From the time they were first nominated to today, it has been 12 years. I will make that more clear.

With regard to the 54 holdovers when the Democrats controlled the committee and we had a Republican President, we didn't have the screaming and mouthing off about that from our side. Compare that to when President Clinton left office and there were 67 vacancies, 30 fewer during my chairmanship and 41 left holding versus the 54.

By the way, of the 41, 9 were put up so late that nobody could have gotten them through no matter who the Judiciary chairman was. There were really 32. If you take away those who had absolutely no consultation with home State Senators—I mean none—then that reduces it some more. If you take away those who had further investigatory problems, that reduced it some more. There were some—I have been honest to admit this—whom I wish I could have gotten through who I think deserved to go through. But there were many in the 54 who were left by the Democrats who should have gotten through, too.

The point I am making is that it isn't the same because the Judiciary Committee chairman can't get some of the holdovers through. I don't blame Senator BIDEN. I don't think I should be blamed. I did the best I could. It isn't the same as when somebody is brought to the floor and a filibuster occurs. The fact is there has never been a true filibuster up until Miguel Estrada—now Priscilla Owen—and from what the Senator told me, it looks as if they are going to filibuster Judge Pickering even before we have his hearing this year. I hope that is not true. But it apparently is true with regard to Miguel Estrada and Priscilla Owen.

I think we have to break through this nonsense. Maybe we will approve all of these judges who are brought to the floor. That is what we should do as Republicans with a Republican President, and we would hope—and, in fact, in every case we have had Democrats' support for these judges—in every case, including Jeffrey Sutton today. It isn't as if it was a wholly partisan process. The Senator is probably right. If we get these judges to the floor, presumably we will pass them. I am not sure of that in every case, as I think we should. But if the Senator doesn't like them, and if others on this side don't, as they did in the case of Jeffrey Sutton, vote against them.

It is true, Jeffrey Sutton is now confirmed and will receive his certification to become a circuit court of appeals judge. But my colleagues on the other side made this political point. They don't like some of the things he has done as an advocate. That was their right, to do so. I thought it wasn't the right thing to do myself. I believed there was too much politics

involved. But you had a right to do that. But he was confirmed. As Senator REID, the distinguished Senator from Nevada, pointed out, there were a number of Presidential candidates who were not here to vote on Jeffrey Sutton's nomination. If they thought it was so important a vote, and that the judicial confirmation process is important, they should have been here. I think we all would agree with that. They knew this was the game that was being played to embarrass Mr. Sutton—not by the Senator from New York, and not by a number of others.

Mr. SCHUMER. I will reclaim my time on that one. There are strong feelings on this side, as the Senator knows. It has nothing to do with games. To me, this rises to a sacred responsibility. And I don't use those words lightly.

The bottom line is—again, I would first say to my friend from Utah, this is not a referendum on his stewardship on the Judiciary. It is, again, part of an extremely important process about who is on the bench, who is part of that third branch of Government and put there for life.

But I would say to my friend—and he is the best in the business—the high dudgeon all of a sudden when a few nominees are held up for whatever reason and sort of the muted signs when he was chairman and many nominees were being held up, albeit not in exactly the same way—I would say it is a difference that doesn't make a difference; it is sort of, well, inconsistent.

Again, that doesn't go to the personal integrity of my friend from Utah who did try in many instances but didn't succeed. And how we should be judged, so to speak, is by who gets on the bench and who does not because that is ultimately what the process is about.

I would mention, in my colleague's recounting, there were lots who withdrew their nominations. You had the DC Circuit, the second most important circuit, for which both Miguel Estrada and Judge Roberts have been nominated, where there were no blue slip problems and there were no votes. So we can go over history. I am sure each side can point to wrongs on the other side.

The fact remains, of 119 judges who have been approved, there have been 3 we can be accused of holding up. As my friend from Nevada said, I have experienced the same thing. I go to parades and people say: What about Estrada? What about the judges? Because they listen to talk radio. I say: I voted for 113 out of 119, and they just be quiet. They say: Well, that is more than fair.

So this idea that we should roll over for every judge and allow them to be approved—and I would argue this with my friend from Utah—no President, certainly in my lifetime, and I think in the history of these United States, has so nominated judges of an ideological cast. You almost have to march lockstep and not be mainstream, not even

be conservative but be way over, in case after case after case. That is what started this: no advise and consent, a desire to change America through the judiciary by creating an ideological litmus test for nominee after nominee after nominee. That is not what the Founding Fathers intended. My guess is, if Jefferson or Washington or Madison were looking down on this Chamber today, they would be approving of what we are doing because they would see that the balance in power—which they so carefully constructed between the President and the Senate, the President and the Congress, in terms of this awesome power to put people on the bench for life—is being eroded. That is why we are here. And we are going to continue to be here.

So my friend from Utah and the majority leader and others have a choice: They can hold up all these other judges and say, well, until we deal with Priscilla Owen we are not going to move anybody else. I would ask a jury of 12 people, fair and true, nonpartisan, who is obstructing?

That is why I would hope we could bring the nomination of Judge Edward Prado to the floor. And one of the reasons we want to do it is, yes, from the mouth of my friend from Utah, there is this view that only certain types of Hispanics would be approved or, from the mouths of others, that we are anti-Hispanic, a charge never leveled when Judge Moreno and Judge Rangel were not voted on to the same circuit by the other side.

But now we have Judge Prado, approved unanimously by the committee. I guess he is every bit as Hispanic as Miguel Estrada. There is one difference: He answered questions. And his views were not so far over as many who know Miguel Estrada report them to be. Why don't we approve him? Why don't we bring him up for a vote? Is he being used?

I will tell you what I think. I think the other side does not want us to approve a Hispanic judge who is within the mainstream. I think that—

Mr. HATCH. Will the Senator yield on that?

Mr. SCHUMER. I think I will call on my colleague in a minute.

Mr. HATCH. Well, if the Senator would yield, maybe I can satisfy—I have no objection—

Mr. SCHUMER. I think it sort of shows that why Miguel Estrada is being held up has nothing to do with his ancestry but, rather, his conduct as he went through the nomination process in a unique refusal to answer questions.

I am going to tell my colleague one other story. President Bush has just nominated a woman to the district court in my State, Justice Dora Irizarry. She is Hispanic. She happened to be the Republican candidate for attorney general in this last election. That does not bother me a bit. I called her to my office. I asked her many of the same questions I asked Miguel

Estrada. She was forthright. I asked her for two Supreme Court cases with which she disagreed. She named them, expostulated on them. She did not say, canon 5 will not let her talk about them. She did not say: I did not have the briefs, so I could not talk about them—both absurd arguments, arrogant arguments, arguments that show contempt for the Senate. And she is going to be approved, with my wholehearted support, even though she is Hispanic, even though she is more conservative than I am, even though she is a Republican officeholder.

So the bottom line is simple: We can fill the bench and increase the number of Hispanic nominees quickly, if we work together, if the nominees would take the process not with contempt but with the responsibility that they should, given the awesome power that Federal judges have.

So I hope we will move to Judge Edward Prado. I hope we will move to him soon. I would like, as my colleague from Nevada, for us to bring him to the floor because there will not be a 2-week debate. There will be a day debate, maybe a 6- or 3-hour debate, and he will be approved.

By the way, if we are worried about vacancies, it is the same circuit as Priscilla Owen. The reason the other side does not want to bring up Judge Prado is very simple; it shows the glaring inconsistency and falsity of their arguments.

Our opposition to a few of these nominees has nothing to do with their ethnic background and nothing to do even with their political party. It has to do with the fact that some of them are so extreme that their own Republican colleagues thought that.

Again, you have Judge Gonzales who is now counsel to the White House. He said, in one of the cases that she dissented on, if the court went along with her, it would "be an unconscionable act of judicial activism." That is from the Republican, conservative, White House counsel. It could be an isolated case, as my good friend from Utah mentions, except that those who followed her on the courts say that was her MO. She constantly wanted to be a judicial activist and make law from the right.

I would be equally opposed to somebody who wanted to make law from the left. I do not like nominees who are too far left or too far right. On my own judicial committee, when those appointed distinguished jurists from around my State have brought forth nominees and suggested nominees who were way over to the left, I have said no. Anyone who has watched me interview judges knows that I am very weary of that because judges of the extremes make law. They do not do what the Founding Fathers said, which is interpret the law.

And it was not just Judge Gonzales. We then have the situation in the case of *Weiner v. Wasson*. This was a medical malpractice case. Again, Justice Owen wrote a dissent about an injured

plaintiff while he was still a minor, and the issue was the constitutionality of a State law requiring minors to file medical malpractice actions before reaching the age of majority or risk being outside the statute of limitations.

Then Justice JOHN CORNYN, now our colleague in the Senate, said:

Generally, we adhere to our precedents for reasons of efficiency, fairness, and legitimacy. First, if we did not follow our own decisions, no issue could ever be considered resolved. The potential volume of speculative relitigation under such certain circumstances alone ought to persuade us that stare decisis is a sound policy. Secondly, we should give due consideration to the settled expectations of litigants like Emmanuel Wasson, who have justifiably relied on the principles articulated in [the case]. . . . Finally, under our form of government, the legitimacy of the judiciary rests in part upon a stable and predictable decisionmaking process that differs dramatically from that properly employed by the political branches of government.

According to the conservative majority on the Texas Supreme Court, —this is not a liberal court—

Justice Owen went out of her way to ignore precedent and would have ruled for the defendants. The conservative Republican majority followed precedent and the doctrine of stare decisis.

So this is not a mainstream nominee. This is a nominee who has every indication of being an activist from the right, of being somebody who wishes to turn the clock back, of being somebody who sides over and over and over again with the larger corporate interests against the individual. In my judgment, she does not belong on the Fifth Circuit. If the only way we can stop her is to prolong this debate, so be it. There are many other people in Texas, many other lawyers, many other judges, many others in the realm of the Fifth Circuit who are conservative and intelligent and qualified. If the President wanted to come to some agreement with us, he would nominate them. In fact, one is before us—could be before us: Judge Prado. He will not have any issue with us.

Is there a litmus test? Absolutely not. I have no idea what Judge Prado has ruled. He has been for 19 years on the court. I don't know what his position is on choice. I don't know what it is on gun control. I don't know what it is on gay rights. But his hearing and his record show he is not out of the mainstream.

I have always had three watchwords with people I have supported, both in New York, where I am actively involved in the selection process, and around the country, where obviously I am one one-hundredth of the advise and consent process. Those are "excellence," "balance," and "moderation." My three words are "excellence," "moderation," and "diversity."

I have to give the President credit. On criteria one and three, his nominees meet the bill. They are legally excellent, by and large. These are not political hacks or people who don't have the brainpower to be excellent judges. The

President, to his credit, has gone out of his way for diversity.

But on moderation, it is almost as if he is not even making an effort. It is as if he has over and over and over again nominated people like Jeffrey Sutton, who we just approved, who are trying to change the law, who are trying to turn the clock back, who have an atavistic fear of the Federal Government and what it can do.

Again, it is our obligation to oppose such judges, just as it is our obligation to support those who are qualified.

I urge my colleagues on the other side to realize they are not going to win every single case. They are going to lose a few. I think they should have lost a few more than they did. I would have not liked to see Jeffrey Sutton go to the Sixth Circuit. But to say we will not bring up another judicial nominee until Priscilla Owen is passed is the real obstruction. I don't think it will stand up. We know there are some on the other side who quietly have said this has gone too far, who have urged the White House to moderate its stance, who have said, let us move on from Miguel Estrada or reveal his records. Unfortunately, the White House seems to feel they want it all in every way. They want it all theirs.

That is not what the Founding Fathers intended. It is not even what the Founding Fathers intended when there is a President and a Senate controlled by the same party, as we have today. We will oppose Judge Owen. We will continue to oppose her. We will proudly oppose her.

When we began this fight, which I guess I was one of the first people to get involved in in terms of moderating the judiciary and seeing that there be some moderation, when I proposed to our good majority leader and our chairman of the Judiciary Committee that we not allow Miguel Estrada to go forward until he answered questions, I thought politically it would be a loser. It is easy to get up and say: Just let a majority vote and let the chips fall where they may. I think we had some knowledge that illegitimate charges of not supporting someone because of his ethnic background would be hurled at us.

But do you know what has happened. As the debate has gone forward, first, our caucus is firmer and firmer and stronger and stronger in the belief that what we are doing is right and rises to noble constitutional principles. Second, the public is beginning to catch on.

I found, as I traveled across my State these 2 weeks while we were on Easter break, that people were saying: Why does the President want his way on every single nominee? As soon as people heard I had voted for 113 of 119 of the President's nominees, they said: You have been more than fair.

So anybody on the other end of Pennsylvania Avenue who thinks they are going to take a two by four and break us, we have proven that that is not the

case. The fact that in our caucus there is such strong support to block Priscilla Owen shows we are gaining strength.

I plead with my colleagues to go back to the White House once again and tell them they are not going to win every single fight, that they have an obligation to advise and consent, that there is some degree of compromise in making this government work, and that, most of all, the bench should not be filled with ideologues who have an atavistic, instinctive preference to make law rather than interpret the law as the Founding Fathers intended.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CHAFEE). Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I rise today to address the Senate with some regret and with somewhat of a heavy heart. I believe in the rule of law. Indeed, this Nation was built on the rule of law, the ultimate strength of our institutions that make up our representative democracy. So it saddens me, along with many of my distinguished colleagues, when I witness the abject failure of one of these institutions. Nowhere has this institution met with greater failure than in the area of judicial nominations.

Nearly two years ago, President Bush announced his first class of nominees to the Federal court of appeals. Five of the eleven nominees have not had a single vote in the Senate two years later. This list includes Justice Priscilla Owen, with whom I served on the Texas Supreme Court, and whose nomination is now pending before this body.

Two years is too long. I believe the Senate has reached a new low in recent months, with the unprecedented use of a filibuster of dubious merit that blocks an exceptionally qualified nominee who enjoys the support of a bipartisan majority. If we were allowed to vote, I am convinced that a bipartisan majority of the Senate would today vote to confirm Justice Priscilla Owen to the Fifth Circuit Court of Appeals.

This dismal political anniversary indicates the true range of the failure of the judicial confirmation process in this body. This process has become unnecessarily but increasingly bitter and destructive, and it does a terrible disservice to the President, to Senators, to nominees, and ultimately to the American people.

I do not know anyone who truly believes in their heart of hearts that the process works now the way it should. I believe most reasonable people looking at this process from the outside would agree with me that the process is broken. But the question now becomes, is it broken without hope of repair?

Today I announced that the Judiciary Committee's Subcommittee on the Constitution will convene a hearing on reform of the broken judicial confirmation process. This hearing will allow distinguished Members of the Senate, on a bipartisan basis, as well as the Nation's leading constitutional experts, the opportunity to discuss the serious constitutional questions raised by the obstruction of judicial nominations. We will address the problems facing the Senate and the Federal judiciary, and we will consider and debate potential solutions and reforms.

Yes, I believe two years is too long. Specifically, it is too long for a candidate as worthy and as qualified as Justice Priscilla Owen. Of the nominees currently pending before the Senate, no one has waited longer than Justice Owen for a vote on the Senate floor on a judicial nomination—no one. As a former state supreme court justice who served with Justice Owen for three years, and now as a member of the Senate Judiciary Committee which carefully considered and endorsed her nomination to the Federal bench last month, I firmly believe Justice Owen deserves to be confirmed to the Court of Appeals for the Fifth Circuit. Of course, the Fifth Circuit covers my home State of Texas as well as the States of Mississippi and Louisiana. If the Senate applies a fair standard, if we continue to respect our Constitution, Senate traditions, and the fundamental democratic principle of majority rule, she will be confirmed.

The arguments of those who oppose Justice Owen's nomination can be summed up in one phrase: Don't confuse us with the facts.

The facts are these: First, the American people are in desperate need of highly qualified individuals of the greatest legal talent and legal minds to fill the numerous vacant positions on the Federal bench, particularly those on the Fifth Circuit Court of Appeals, whose three vacancies are all designated judicial emergencies by the U.S. Judicial Conference.

Second, we must ensure that all judicial nominees understand that judges must interpret the law as written and not as judges or special interest groups would like them to be written. In other words, the judiciary must be a means by which the laws that are passed by Congress and signed by the President are implemented in the daily lives of the American people. The Constitution does not comprehend nor is it appropriate for judges to serve as a super-legislative body or to serve as another legislative branch in a black robe.

Of course, when it comes to interpreting the law faithfully and avoiding the pressure of special interest groups, Justice Owen satisfies both of these standards with flying colors. She is quite simply, by any measure, an outstanding jurist. The facts are testimony to her ability and her intelligence.

Justice Owen graduated at the top of her class at Baylor Law School and was

an editor of the Law Review at a time when few women entered the legal profession. She received the highest score on the bar examination. And she was extremely successful in the private practice of law for seventeen years before joining the bench.

Since she has become a judge about eight years ago, she has served with enormous distinction on the Texas Supreme Court. In her last election to the Texas Supreme Court, she was endorsed by virtually every major Texas newspaper, and most recently when she was reelected she received the vote of 84 percent of those who cast a vote in the election.

She has the support of prominent Texas Democrats and Republicans alike, Democrats such as former members of the Texas Supreme Court, Chief Justice John Hill and Justice Gonzales, as well as a long list of former presidents of the State bar, and leaders in the legal profession in my State. The American Bar Association that provides some analysis of judicial nominees, an objective analysis, has rated her well qualified, a rating that some of my colleagues used to refer to as "the gold standard," but which they now conveniently choose to ignore.

I simply cannot fathom how any judicial nominee can receive all these accolades from opinion leaders, from constituents, from legal experts across the political spectrum, unless the nominee is both an exceptionally qualified lawyer, a judge who respects the law, and a person who steadfastly refuses to insert his or her own political beliefs into the judging of cases.

Based on this remarkable record of achievement and success, of eloquent and evenhanded rulings, it should come as no surprise that Justice Owen has long commanded the support of a bipartisan majority of the Senate.

I would like to take a couple of moments to talk about my own personal observations while serving with Justice Owen on the Texas Supreme Court. She and I served together on that court for three years—from the time she joined the court in January 1995 until the time I left the court after serving seven years in October of 1997.

During those three years, I had the privilege of working closely with Justice Owen. I had the opportunity to observe on a daily basis precisely how she approaches her job as a judge, how she thinks about the law, and what she thinks about the job of judging in literally hundreds, if not thousands, of cases. I spoke with and indeed debated in conference with Justice Owen on countless occasions about how to faithfully read and follow statutes and how to decide cases based upon what the law is—not based on some result we would like to see achieved. I saw her taking careful notes, pulling down the law books from the shelves and studying them with dedication and diligence. I saw how hard she works to faithfully interpret and apply what the Texas legislature had written, without

fear and without favor. Not once did I ever see her attempt to pursue some political agenda in her role as a judge, or try to insert her own belief as opposed to the intent of the legislature or some precedent from a higher court in the case at hand. To the contrary, I can tell you from my personal observation that Justice Owen feels very strongly that judges are called upon—not as legislators or as politicians, but as judges—to faithfully read statutes on the books and interpret and apply them faithfully in cases that come before the court. I can testify from my own personal experience, as her former colleague and as a fellow justice, that Justice Owen is an exceptional judge who works hard to follow the law and enforce the will of the legislature. She is a brilliant legal scholar and a warm and engaging person. To see the kind of disrespect the nomination of such a great Texas judge has received in this body is disappointing and really beneath the dignity, I believe, of this institution.

It is hard to recognize the caricature that opponents of this nominee have drawn. Unfortunately, as a Member of the Senate Judiciary Committee who has had a chance now to vote on a number of President Bush's nominees for the Federal bench, I have seen that the practice of vilifying and marginalizing and demonizing President Bush's judicial nominees is becoming all too common. Indeed, I began to wonder whether there are any good, honorable people with distinguished records in the legal profession or in the judiciary who will submit their names for consideration by this body, knowing that, regardless of the facts, regardless of the truth, they will be painted as some caricature not of what they really are, but of what others have cast them to be, when in fact the truth is far different, and with no justification.

It pains me to see what can only be called the politics of personal destruction played out in the course of the judicial confirmation process. We can and we must do better.

The special interest groups, and the minority in this body—who oppose even calling a vote on Justice Owen have no real arguments to oppose her nomination, at least none based in fact or any that would withstand scrutiny under any fair standard. Their past record shows these groups who have cast aspersions on many highly qualified nominees—many of whom currently serve on the Federal bench—their attacks against judges are simply not credible.

For example, these opponents of a bipartisan majority who would vote to confirm Justice Owen today are the very same folks who predicted that Justice Lewis Powell's confirmation would mean that "justice for women will be ignored." Justice Owen's opponents are the same folks who argued that Justice John Paul Stevens had demonstrated "blatant insensitivity to

discrimination against women" and "seems to bend over backwards to limit" rights for all women. Justice Owen's opponents are the same folks who testified that confirming David Souter to the United States Supreme Court would mean "ending freedom for women in this country"—the same folks who said they "tremble for this country if you confirm David Souter"—who even described now-Justice Souter as "almost Neanderthal" and warned that "women's lives are at stake" if the Senate were to confirm him.

How many times must these irresponsible and baseless allegations be made before we finally say these special interest groups have no credibility when it comes to judicial confirmations? Their claims about Justice Owen are no more accurate and no less hysterical. It reminds me of the boy who cried wolf.

After these repeated charges and accusations and shrill attacks, which typically turn out—certainly in the cases I mentioned—to be utterly baseless and unfair, it makes you wonder just how credible these groups think they really are, or how long their arguments will continue to have currency in this body or in the media.

It also makes you wonder whether these groups make their claims not because they actually believe they are true, but in order to achieve their own political aims—in order to defeat judges nominated by this President, who believe that a judge's role is not to be an activist in a black robe or a super legislator. But I believe these shrill attacks are made with one purpose and one purpose only—to scare people and to support unsubstantiated and baseless attacks against highly qualified nominees like Justice Owen.

In the case of Justice Owen, their attacks are true to form. And they conform to their past patterns and practices—for they are like their attacks of the past, unfair and without foundation either in fact or in law. For example, some of Owen's detractors claim she rewrites statutes in order to further her own political agenda. That is a pretty incredible charge in light of her ABA rating of well qualified, which was unanimous, her strong bipartisan backing, and her enthusiastic support from Texans, people who know her best. It is also a baseless charge.

To ostensibly prove their point, Justice Owen's opponents point out that on occasion, other justices on the Texas Supreme Court have written opinions saying Justice Owen sometimes was rewriting statutes in order to achieve a particular result. That is an absurd standard to apply in a Senate confirmation, for reasons I will detail now. All judges of good faith struggle to read statutes and other legal texts carefully, and faithfully.

In close and difficult cases—and the docket of the Texas Supreme Court is chock full of them—judges will often disagree about the proper and most

correct legal interpretation. Indeed, we establish courts of multiple members—nine members—a collegial decision-making body, believing that judges will sometimes disagree, but in that decision-making process, that there will be a full and fair debate about the various positions, about the various interpretations, and that ultimately majority rule will win out and a case will be fully and finally decided.

But when disagreements occur, a judge may naturally conclude that his or her own reading of a statute is correct. That is why they will decide the case in the way they choose, based on a belief that their interpretation of a statute is correct. And, of course, it only follows that if I believe, in deciding a case, that my interpretation of the statute is correct, that the interpretation of the statute by someone who achieves a different result is not correct.

Now, that is not the final word. Obviously, the final word is the decision of the majority of the court which decides, for all practical purposes, not necessarily in the abstract, but for all practical purposes, what the correct result is, so that the people in our States and across the country can know what the rules are and apply them with some predictability.

I would point out that practically everyone with any significant judicial experience has faced the same criticism that Justice Owen has received in terms of rewriting statute. Yet if Justice Owen's opponents are to be taken seriously, any judge who has been criticized of rewriting a statute is presumptively unfit for the Federal bench. As I pointed out at Justice Owen's confirmation hearing last month, such an absurd standard would exclude practically all of her current and past colleagues on the Texas Supreme Court.

Such an absurd standard would also disqualify numerous members of the U.S. Supreme Court, people with whom Justice Owen's opponents are known to agree. For example, in 1971, Justice Hugo Black and William O. Douglas sharply criticized Justices William Brennan, Harry Blackmun, and others, stating that the "plurality's action in rewriting this statute represents a seizure of legislative power that we simply do not possess."

In a 1985 decision, Justice John Paul Stevens accused Justices Lewis Powell, Sandra Day O'Connor, and Byron White of engaging in "judicial activism."

Countless other examples pervade the U.S. Reports.

Would Justice Owen's opponents and detractors apply the same standard and exclude those Justices with whom they tend to agree from Federal judicial service? Of course not. It is a double standard. It applies to Justice Owen but not to judges who they would prefer. But fairness only dictates that Justice Owen not be made to suffer from an absurd and unreasonable double standard.

I remind my colleagues that just last year, the Democrat-controlled Senate confirmed Professor Michael McConnell to the Federal court of appeals by unanimous consent, even though Judge McConnell, like Justice Ruth Bader Ginsburg and liberal law professors and commentators, has publicly criticized the analysis of several Supreme Court rulings, including *Roe v. Wade*. That is not something, however, that Justice Owen has done.

Now, don't get me wrong. I am glad that Judge McConnell was confirmed. He is an exceptional jurist who is already proving to be a fine judge on the Federal court of appeals. But his case illustrates the inherent foolishness of using ideological litmus tests when assessing the abilities and evenhandedness of judicial nominees.

Mr. President, I can tell you from personal experience, when you put your left hand on the Bible, and raise your right hand, and take an oath as a judge, you change. Your job changes. No longer are you an advocate for a particular position in a court of law that you hope some court will embrace. No longer are you a legislator—assuming you have been a legislator—used to making the law or affecting public policy in a very stark and direct way.

Mr. President, when you raise your right hand, and put your left hand on the Bible, and take a sacred oath to perform the duties of a judge, you change. And, indeed, Justice Owen has been true to that oath and has faithfully discharged her responsibilities as a judge, and will do so on the Fifth Circuit Court of Appeals if this body would simply vote on her nomination.

I want to spend a few moments talking about filibusters.

Clearly, debate is important. In a body such as the Senate, this is one place where we know if there is a difference of opinion on any issue, if there are competing points of view, that there will be a full debate. Debate is, indeed, the only way to ensure we make known to each other our views and our values. It is the only way to ensure we have the opportunity to make our arguments known and to respond to the arguments of others; to appeal to the public and reasonable people who will assess those arguments and achieve or arrive at a judgment on their own about what they believe, what they do not believe, which arguments have value and which have no value, which arguments are supported by facts or evidence and which are baseless. It is the only way to ensure that each of us can be convinced we have been given at least the opportunity to persuade others and to appreciate the wisdom of our respective positions.

But for democracy to work, and for the fundamental democratic principle of majority rule to prevail, the debate must eventually end, and we must eventually bring matters to a vote. As Senator Henry Cabot Lodge famously

said about filibusters: "To vote without debating is perilous, but to debate and never vote is imbecile."

So let's have a debate about this exceptional nominee. And after we have had the debate, let's vote. There should not be a filibuster. A minority of the Senate should not try to impose what is in effect a supermajority requirement for confirming judicial nominees, operating under the constant threat of filibuster.

The Constitution makes clear when the Founders intended to require a supermajority of this body to act. It specifies that two-thirds of each House shall be necessary to override a Presidential veto on legislation, and that two-thirds of each House shall be necessary to amend the Constitution, subject to the ratification by the people. It provides that two-thirds of the Senate shall be necessary to convict an officer pursuant to an impeachment trial, and that two-thirds of the Senate shall be necessary to consent to the ratification of treaties.

It does not say that a supermajority shall be necessary to confirm a President's judicial nominees. And it is well-settled and well-established law, as a matter of both Senate practice and Supreme Court precedent, that majority rule is the norm, whenever the text of the Constitution does not expressly provide otherwise.

The Constitution vests the advice-and-consent function in the entire Senate, not just in the Senate Judiciary Committee. During the last Congress, the Senate Judiciary Committee refused to report Justice Owen's nomination out to the entire Senate. The committee, it should be obvious, does not speak for the entire Senate. Indeed, the committee itself could have reconsidered the nomination and could have reported Justice Owen to the floor even after it had previously refused to do so.

The Constitution requires elections to make sure that the Senate remains accountable to the people. To insist that a new Senate cannot, after an intervening election, reconsider legislation or a nomination rejected by a previous Senate is to reject the very principle of democracy and accountability.

Accordingly, there is no Senate tradition that forbids the President from renominating an individual previously rejected by the full Senate, let alone by the Senate Judiciary Committee. Quite to the contrary, there is a wealth of precedent for such re-nominations.

As recently as 1997, the Senate Judiciary Committee refused to report Bill Lann Lee to the entire Senate. Yet President Clinton not only renominated Lee in subsequent sessions of the Senate, he even gave Lee a recess appointment in 2000 without triggering substantial opposition from the Senate.

I am not asking for the Senate to depart from its traditions. Indeed, the only departure from tradition that is occurring today is the filibuster of Miguel Estrada and now Priscilla

Owen, something that has never happened before to a circuit court nominee.

I hope we have a good, vigorous debate on this nomination because I believe that by any measure Justice Owen is an exceptional judge and an exceptional human being who deserves confirmation.

I am confident that, at the end of the debate, if Members of the Senate really want to know what the facts are, as opposed to the caricature that has been drawn of Justice Owen by special interest groups intent on vilifying, marginalizing, demonizing a good and decent human being, that if we were allowed to have a vote, we would have a strong bipartisan majority that would support her nomination.

I hope no matter what the outcome, we will come to an end of the debate, and we will simply do what the people of our respective states sent us here to do, and that is to vote.

I would not ask the Senate to depart from its traditions of fairness in this case. By any fair measure, Justice Owen is an exceptional judge and exceptional nominee. I am confident she will not only maintain the strong bipartisan majority she has in support of her nomination, but that it will grow as Senators examine the record, test some of the allegations made against her, and find them without substantiation, without justification; that if what we are really interested in is finding the truth about this nominee, and determining whether she will uphold the oath she has taken and that she will take as a judge on the circuit court, she will be confirmed.

I hope this body will abide by the Constitution as written, and not impose some supermajority requirement where the Constitution requires none, and where the Supreme Court and Senate traditions and the fundamental principle of majority rule dictate a majority vote on this nominee, not a 60-vote supermajority.

As long as the Senate applies a fair standard to this nominee, I have no doubt Justice Owen will be confirmed. Now nearly two years have passed since she was nominated to the Federal bench. The Senate should vote to confirm her immediately.

We ask judges to be fair, to be impartial in deciding cases, to show neither fear nor favor. But certainly the requirement of fairness does not end in the judicial branch. It also applies to the Congress and to the Senate in performing our responsibilities. Certainly you would think it is self-evident that it should apply in confirming judicial nominees. Our current state of affairs is neither fair nor representative of the sentiment of a bipartisan majority of this body.

The distinguished Senator from Nevada has said that, when it comes to setting the hours of debate, "there is not a number in the universe that would be sufficient." I say two years is more than sufficient.

I yield the floor.

The PRESIDING OFFICER (Mrs. DOLE). The Senator from Massachusetts.

Mr. KENNEDY. Madam President, I welcome the opportunity to address the issue about the qualifications of Priscilla Owen to serve on the Fifth Circuit of the United States.

In considering this nominee, particularly in the wake of the recent comments of my friend from Texas, it is worthy to point out that there have been 119 nominations for the Federal bench, including the Court of Claims, either for the district or the circuit court, over the period of this President. We have had one, Mr. Pickering, who was defeated a year ago and who was renominated by the President. There is Priscilla Owen now before the Senate. But there has only been one, according to my calculations, Miguel Estrada, where sufficient questions have been raised as to his commitment to the core values of the Constitution, where that issue is still before the Senate.

That is an extraordinary response by the Senate in considering favorably the series of nominees by this President. I don't know the course of our history, but this certainly has to be one of the most favorable records, certainly of any recent times, of response by the Senate in approval of the President's nominees.

I listened to my friend and colleague talk about the importance of Priscilla Owen being able to finally get a vote on her nomination. I was thinking about the recent history of the time when my friend from Utah, Senator HATCH, was chairman of the Judiciary Committee. We had three nominees for the Fifth Circuit: H. Alston Johnson, Enrique Moreno, and Jorge Rangel. All three individuals were never given a vote under the Republican committee and the Republican Senate. These are truly outstanding individuals.

It is important to have some understanding of history in terms of who has permitted votes to take place and who has failed to permit even these well-qualified individuals, in this instance, just on the Fifth Circuit. I am not taking the time of the Senate to list them all. I know Senator LEAHY has done this at other times.

I also refer to the history of the Senate to provide some awareness of background. The claim that it is unprecedented to filibuster a court of appeals nomination is false and hypocritical. Since 1980, cloture motions have been filed on 14 court of appeals and district court nominations.

Recently, Republicans filibustered, in the year 2000, in an attempt to block the nomination of Richard Paez, a Hispanic, and Marcia Berzon, onto the Ninth Circuit. This is after Richard Paez had been waiting 4 years due to anonymous holds by Senate Republicans. Bob Smith openly declared he was leading a filibuster, and he described Senator SESSIONS as a member of his filibustering coalition. Even Senator FRIST was among those voting

against cloture on the Paez nomination.

So requiring cloture on judicial nominations is not an extraconstitutional event. The Senate has the role of advise and consent on judicial nominations, and the Constitution leaves it to the Senate to carry out its responsibility in accordance with its own rules. Requiring cloture to end debate on a nomination is permitted under Senate rule XXII. The right of Senators to speak on the floor at length is central to the Senate's role.

I ask the Senate to listen to the history of the Senate on nominations. In the first decade of the Senate's history, the Founders rejected a rule providing for a motion to close debate, and for the rest of our history, our rules have provided that debate, which is the lifeblood of our power, cannot easily be cut short. For 111 years, unanimous consent was required to end debate in the Senate. Until 1975, a two-thirds majority was required. Now it is only 60 votes that are required. Until 1949, debates on nominations could not be cut off at all.

It is interesting to note the history of the rules as they have applied to nominations historically when we are considering controversial nominees. I daresay if we look at the record today—it is my understanding that there is only one of President Bush's judicial nominations that we have so far blocked on the Senate Floor, and that is Mr. Estrada, which is because of the failure of the Administration to provide key documents from his time in the Solicitor General office so that we can be able to understand Mr. Estrada's commitments to the core values of the Constitution.

It was interesting as well that earlier in the day our leaders requested that there be an opportunity to consider Judge Edward Prado, a nominee to the Fifth Circuit, who is on the registrar, to see whether we could move ahead with that nominee. There was objection that was filed, as I understand it, by the Republicans. He is a Republican. We may not all agree with his views or his rulings, but in his time on the bench he has shown that he is committed to the rule of law and not to reshaping the law to fit a rightwing ideology. There is not a single letter of opposition against him, and he is ready to be voted on by the full Senate. Senator DASCHLE, Senator REID, and others have indicated—the Judiciary Committee on our side has indicated—they were prepared to vote on him earlier today. But an objection was raised. Nominees such as Judge Prado should get our full support, but nominees such as Priscilla Owen should not.

There is also Judge Cecilia Altonaga. She would be the first Cuban American woman on the Florida district court. I understand she could be considered favorably and passed as the first Cuban American woman to serve on the Florida district court. She had a unani-

mous vote of the Judiciary Committee. She could be approved this afternoon. That would bring the number up to 121.

Earlier today the Senate narrowly voted to confirm Jeffrey Sutton to a lifetime appointment on the Sixth Circuit. Like far too many of President Bush's nominees, he was opposed by a broad array of citizens from across the country because there were many attempts to roll back rights and protections for people with disabilities, women, minorities, and older workers.

The drumbeat goes on. This afternoon we begin debate on yet another extremely controversial nominee—Priscilla Owen. It is shameful and shocking that the administration is so bent on packing the courts with nominees such as Jeffrey Sutton and Priscilla Owen, who are so clearly hostile to the rights and protections that are so important to vast numbers of Americans.

Many well-qualified, fairminded nominees could easily be found by this administration if they were willing to give up their rightwing litmus test. I have mentioned two who are pending that we could be considering at this very moment.

Priscilla Owen, I don't believe should be favorably considered. Her record on the Texas Supreme Court is one of activism, unfairness, and hostility to fundamental rights. I am particularly concerned about her record on issues of major importance to workers, consumers, victims of racial discrimination or gender discrimination, and women exercising their constitutional right to choose.

Justice Owen is one of the most frequent dissenters on her court in Texas in cases involving workers, consumers, and victims of discrimination. That she dissents from this court so frequently is immensely troubling. This court is dominated by Republican appointees and is known for frequently ruling against plaintiffs. Yet when the court rules in favor of plaintiffs, only one member of the court, Justice Hecht, has dissented more often than Justice Owen.

In her dissents, Justice Owen raises new barriers to limit the role of juries in product liability cases, personal injury cases, and narrowly construes employment discrimination laws. She has limited the time period for minors to remedy medical malpractice. She has limited the ability of individuals to obtain relief when insurance companies unreasonably, and in bad faith, deny claims. Justice Owen's many dissents reveal a pattern of far-reaching decisions to limit remedies for workers, consumers, and victims of discrimination or personal injury.

What is also very striking is the level of criticism of Justice Owen's opinions by her colleagues on the court, and efforts to explain these criticisms away are unconvincing.

We all know judges are often critical of the reasoning of their colleagues, and occasionally these opinions can be

strongly worded. What stands out here are the frequent statements by her own colleagues on the court that Justice Owen puts her own views above the law, even when the law is crystal clear—she does this repeatedly in cases involving the rights of plaintiffs, or of young women seeking to exercise their right to choose.

Take Alberto Gonzales, her former colleague on the court, who is now President Bush's counsel in the White House. In one of her cases involving the interpretation of Texas' parental notification statute, Justice Gonzales accused Justice Owen of "an unconscionable act of judicial activism." In these parental notification cases, Justice Owen repeatedly grafts barriers to restrict a young woman's right to choose. She inserts new standards that are based on her own views and not on the clear language of the statute.

At her hearing, Justice Owen and some of my Republican colleagues suggested, for the first time, that Justice Gonzales was not referring to Justice Owen and the other dissenters when he accused Justice Owen of "unconscionable activism."

That isn't credible. Justice Gonzales wrote a separate concurring opinion specifically to defend the majority's opinion and to dispute the positions taken by the dissenters. He emphasized that the majority's opinion was based on the language of the Parental Notification Act as written by the Texas Legislature, and said:

[O]ur role as judges requires that we put aside our own personal views of what we might like to see enacted, and instead do our best to discern what the legislature actually intended.

Justice Gonzales went on to say that, contrary to the legislature's intent:

[T]he dissenting opinions suggest that the exceptions to the general rule of notification should be very rare and require a high standard of proof. I respectfully submit that these are policy decisions for the Legislature.

It is this narrow construction of the statute, put forward by the dissenters that Justice Gonzales criticizes as unconscionable activism. It is obvious—beyond any reasonable doubt—that Justice Gonzales is referring to the opinions of the dissenters, including Justice Owen.

Similar criticisms of Justice Owen appear repeatedly in other opinions of the Texas court.

A striking example of the lengths Justice Owen will take to narrow remedies for plaintiffs is found not in a dissent, but in a disturbing concurrence in a case called *GTE v. Bruce*.

In this case, three employees sued GTE for intentional infliction of emotional distress because of constant humiliating and abusive behavior of their supervisor. The supervisor harassed and intimidated employees, including through daily use of profanity; screaming and cursing at employees; charging at employees and physically threatening them; and humiliating employees by, for instance, making an

employee stand in front of him in his office for as long as 30 minutes while he stared at her. The employees suffered from severe emotional distress, tension, nervousness, anxiety, depression, loss of appetite, inability to sleep, crying spells and uncontrollable emotional outbursts as a result of his behavior. They sought medical and psychological help because of their distress.

GTE argued that the employees could not pursue an intentional infliction of emotional distress claim in court. They said that the employees' remedies were limited to worker's compensation. Eight justices on the Texas court agreed that the Worker's Compensation Act did not bar the plaintiffs' claims. These justices concluded that the actions of the supervisor when looked at as a whole were so extreme and outrageous as to support the jury's verdict of intentional infliction of emotional distress. Justice Owen, alone, wrote a separate opinion. While she agreed that there was more than a "scintilla of evidence" to support the jury's finding that the supervisor intentionally inflicted emotional distress on the plaintiffs, she declined to join the court's opinion because "most of the testimony that the court recounts is legally insufficient to support the verdict." Justice Owen then lists all the supervisor's behavior that is not a basis for sustaining a cause of action.

Justice Owen, alone among all the justices, felt the need to write separately to adopt as narrow a construction as possible of a plaintiff's right to recover for a supervisor's outrageous and harassing conduct. Justice Owen argued at her hearing last July, and again at her most recent hearing, that she wrote separately simply to make clear that no plaintiff could recover for any one of these individual actions standing alone. This is not, however, what Justice Owen's opinion says. Her opinion draws no such distinction. Furthermore, it is clear from the majority opinion that the standard is whether the supervisor's actions "taken as a whole" are sufficient to sustain a claim. Not only is Justice Owen's opinion troubling, but her answers to the concerns raised seem less than candid.

Justice Owen's record is particularly troubling given the range of important issues that come before the Fifth Circuit. The Fifth Circuit is one of the most racially diverse circuits, with a large number of Latinos and African-Americans. The States in the Fifth Circuit are also among the poorest. It is vital on this court in particular that a judge is fair to workers, victims of discrimination, and the personal injury victims that come before the court. Those who contend that we oppose Justice Owen simply because she is a Republican appointee miss the point. I oppose her because I believe she will put her own view above the law in cases regarding the basic and fundamental rights on which all Americans have come to rely, including the right to

privacy and equal protection under law.

Not long ago, the Fifth Circuit was hailed as a brave court for protecting civil rights. When Congress passed the Civil Rights Act in 1964 and the Voting Rights Act in 1965, many States and localities in the South resisted these measures. Federal judges such as Elbert Tuttle, Frank Johnson, and John Minor Wisdom, all Republican appointees, helped to make real the promise of legal equality that was contained in these important Federal statutes. It is particularly important that a judge appointed to this Court show a commitment to civil rights and to upholding constitutional safeguards for all Americans. I do not believe that Justice Owen is in that proud tradition of independence and fairness.

Justice Owen's nomination has incited a great deal of opposition from a broad range of citizens and groups in her home State of Texas. Those individuals who have observed her on the Texas court, who have been harmed by her rulings, have written to us in droves opposing her appointment to the Fifth Circuit. These include the Gray Panthers of Texas, the National Council of Jewish Women of Texas, the Texas AFL-CIO, the Texas Civil Rights Project, and the Texas Chapter of the National Organization for Women. At least 20 attorneys who practice in Texas have written expressing their opposition. A broad range of environmental groups also oppose her nomination.

The issues at stake with Justice Owen's nomination go beyond partisan games. This debate is about lifetime appointments of courts that decide cases that shape the lives of all American people. Our Federal courts have made real the fundamental rights guaranteed by the Constitution and by Federal laws. Federal courts are the backbone of our pluralistic democracy, helping to ensure that black children have the same access to education as white children, that a disabled woman has the appropriate workplace accommodation so that she can help provide for her family, and that our children can breathe clean air and drink clean water in their communities. Because the Supreme Court takes less than 100 cases, many of the cases most important to Americans are decided by lower court judges.

The basic values of our society—whether we will continue to be committed to equality, freedom of expression, and the right to privacy—are at issue in each of these controversial nominations. If the administration continues to nominate judges who would weaken the core values of our country and roll back the laws that have made our country a more inclusive democracy, the Senate should reject them.

No President has the unilateral right to remake the judiciary in his own image. The Constitution requires the Senate's advice and consent on judicial

nominations. It is clear that our duty is to be more than to rubber-stamp.

I urge my colleagues to vote against Priscilla Owen's nomination.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALEXANDER). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TAL-ENT). Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, earlier today Senator HATCH asked consent for a time certain for a vote on the pending Owen nomination. There was an objection from the other side of the aisle.

I make further inquiry of the assistant Democratic leader if there is still an objection to limiting debate on this nomination. I yield to him for a response.

Mr. REID. Mr. President, I say through you to the distinguished Senator from Kentucky, I don't think we can work out any time agreement. I have said so publicly. There have been a number of statements on the floor today. As I told Senator HATCH, there simply would be no time agreement ever on Priscilla Owen.

Mr. MCCONNELL. Mr. President, today we spent a good deal of time debating the nomination of Justice Priscilla Owen. Prior to today, we debated her nomination for 2 other days, so for 3 days of valuable legislative time our colleagues have had the opportunity to come to the floor and debate. We intend to continue this debate for another 2 days. But the debate must come to a reasonable end, so I am filing a cloture motion this evening so we can vote to close debate later this week.

I think we will be ready to vote. After all, Justice Owen was nominated by the President 2 years ago next week. She has had two hearings before the Judiciary Committee, over 30 editorials have been written about her nomination, and nearly all in support of her confirmation, including the Washington Post on three—three—separate occasions. There have been countless op-eds and news articles.

Senator SCHUMER asked earlier today if we on this side of the aisle expected the Senate to be a rubberstamp for the President's nominations. The answer, of course, is we do not. We do expect the Senate to do what the Constitution contemplates, and that is to vote; to vote yes or no but to vote.

We also expect the Senate to do the right thing by the Constitution, by this nominee, and by the President of the United States who nominated her.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send to the desk a cloture motion.

The PRESIDING OFFICER. The motion having been presented under rule XXII, the Chair directs the clerk to report the cloture motion.

The legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the standing rules of the Senate, do hereby move to bring to a close debate on Executive Calendar No. 86, the nomination of Priscilla R. Owen of Texas to be United States Circuit Judge for the Fifth Circuit.

Senators William Frist, Tom Hatch, Kay Bailey Hutchison, John Cornyn, Mitch McConnell, Jon Kyl, Wayne Allard, Sam Brownback, Jim Talent, Michael Crapo, Gordon Smith, Peter Fitzgerald, Jeff Sessions, Lindsey Graham, Lincoln Chafee, and Saxby Chambliss.

Mr. MCCONNELL. For the information of all Senators, this cloture vote will occur on Thursday of this week. I now ask unanimous consent the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. MCCONNELL. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

Mrs. FEINSTEIN. Mr. President, with the dramatic and precipitous fall of many Iraqi cities, including Baghdad, the military conflict in Iraq is all but officially over.

Isolated pockets of resistance still exist and there is the looming threat of suicide bombings, as happened last Friday at an ammunition depot. But we can now proclaim that the barbarous regime of Saddam Hussein and his Ba'ath Party has finally come to an end.

As the military aspect subsides, the number of casualties—United States, coalition, and Iraqi—is also diminishing. And this, clearly, is wonderful news. Still, regrettably, there have been those over the last few weeks who have made the ultimate sacrifice, some of them with close ties to California. I would like to take a moment to honor these brave and selfless individuals.

Marine Cpl Jesus Medellin: On April 7, 21-year-old Jesus "Marty" Medellin was killed when an enemy artillery shell struck his vehicle. The second of four boys from a very close family from Fort Worth, TX, Medellin was remembered as a warm and relaxed family man who was active in local church.

As soon as he graduated from W.E. Boswell High School, in the year 2000, he went straight to Marine boot camp, having decided to do so when only 12 years old. "There's no prouder way of losing someone than through serving their country," said his father, Freddy Medellin, Sr., who was prevented from joining the military because of physical problems.

As part of the 3rd Assault Amphibian Battalion, First Marine Division, based in Camp Pendleton, CA, Cpl Jesus Medellin died doing what he had al-

ways dreamed of doing. Americans everywhere should be as proud of him as his family.

Marine Sgt Duane Rios: Remembered as a gentle giant, as a light-hearted person with an infectious laugh, 6-foot-3-inch Duane Rios was killed in combat on the outskirts of Baghdad, on Friday, April 4. He was a squad leader for the 1st Combat Engineer Battalion of the 1st Marine Division, from Camp Pendleton, CA.

Raised in Indiana by his grandmother, Rios graduated from Griffith High School in 1996. It was there that he met his future bride, Erica, who, upon hearing of her husband's death, told the San Diego Union Tribune that "there's no way he'd leave me behind knowing I couldn't take it. . . . He was a great guy, none better. . . . He did his job with pride because it was something that he felt was right."

She recalled how much they loved the view of the ocean at San Clemente, walking their dog on the beach, and watching the sunset. Her strength, along with her husband's sacrifice, should serve as an inspiration to us all.

Marine 1stSgt Edward C. Smith: A 38-year-old native of Chicago, Sgt Edward Smith had served in the U.S. Marine Corps for 20 years, and had served for 4 years as a reserve officer for the police department of Anaheim, CA. His hope was to retire from the Marines and become a full-time police officer. He died in Qatar, of combat injuries sustained in central Iraq, on April 5.

A veteran of Operations Desert Storm and Desert Shield, Sergeant Smith received many commendations, including the Navy Commendation Medal and two Navy Achievement Medals.

After graduating from the Palomar Police Academy with the "Top Cop" award, Sergeant Smith went on to receive such honors as the Rookie of the Year for the Anaheim Police Department and the Orange County Reserve Police Officer of the Year in 2001.

His coworkers in Anaheim remember Edward as a gentleman and a professional. He would send them e-mails and makeshift postcards made from empty MRE containers—one which promised that he would wear his SWAP cap into Baghdad.

Sergeant Smith leaves behind his wife Sandy and three young children, Nathan, Ryan, and Shelby. At a news conference held at the Anaheim police department, Ryan, an extraordinarily mature 10-year-old, talked about how their father was always there when they needed help.

"It made me feel so good," the boy said. "He was the best dad you could ever have. I miss him a lot."

Police Sgt. Rick Martinez, one of 100 colleagues who turned out to support the Smith family, noted that "we all fell in love with his children. Edward's got to be so proud right now."

And so America is so very proud of Sergeant Smith. Army Pvt. Devon D. Jones: Army Pvt. Devon Jones left for

boot camp just a few weeks after graduating from Lincoln High School, in San Diego, last June. He was just 19 years old.

It was only 3 years earlier that, after moving from one San Diego group home to another, the artillery specialist found a foster mother who he called mom.

"I'm honored to talk about him," his foster mother Evelyn Houston said. "He was a strong spirit. He was cool, but compassionate, and always concerned about everyone's well-being."

He joined the military in order to pay for his education—his goal was to be a writer and a teacher.

In a letter he sent to his family last month, Private Jones described his life in the desert. "Sometimes I just look into the sky at the stars and wonder what you all are doing, and smile."

"Hold on, be patient," he concluded, "and know there is a reason for everything."

GySgt. Jeffrey Bohr: 39-year-old Marine GySgt. Jeffrey Bohr, who was killed in downtown Baghdad during a 7-hour shootout outside a mosque, had been in the military his entire adult life. He joined the Army fresh of high school in Iowa, where he rode horses and played football, but switched to the Marine Corps 5 years later.

A large, broad-shouldered man known for his boundless energy—he could run all day with the younger Marines he commanded—Sergeant Bohr was also quiet and down-to-earth.

He lived with his wife Lori in San Clemente, CA, and loved reading history and John Grisham novels and taking his two boxers, Tank and Sea Czar, on 10-mile runs. He was also a diehard Oakland Raiders fan.

The last time Sergeant Bohr called Lori was a little over a month ago—he spoke of sandstorms and his belief that they would make good parents.

Lori's brother, Craig Clover, called Sergeant Bohr "a stand-up guy—do it by the rules. For a friend or family, he'd do anything . . . and he loved the military."

Marine LCpl Donald Cline Jr.: The same was true with 21 year-old LCpl Donald Cline, Jr., who was listed as missing in action just over 1 month ago, yet the Department of Defense confirmed last week that he had died in combat outside the city of Nasiriyah, in southern Iraq.

Born in Sierra Madre, CA, Corporal Cline moved to the town of La Crescenta, where he attended the public schools there until moving to Sparks, NV. It was there that he met his future wife Tina. They had two children together Dakota, 2, and Dylan, who is only 7 months old.

Sgt Troy Jenkins: On April 19, in an extraordinary act of heroic selflessness and sacrifice, 25-year-old Sgt Troy Jenkins threw himself on a cluster bomb just before it detonated. As a result, he saved the lives not only of several soldiers in his regiment—the 187th Infantry—but of a 7-year-old Iraqi girl.

Raised by his father in Evergreen, AL, Sergeant Jenkins loved roaming the woods, fishing, and music. He joined the Marines just before graduating from high school, in 1995, and later transferred to the Army. He also served in Afghanistan and was planning to leave the service this summer, with the hopes of joining the California Highway Patrol.

His reason for wanting to leave the military was so that his wife Amanda and their two children, ages 4 and 2, wouldn't be alone again. Amanda was not surprised by the circumstances of his death. "He didn't have a selfish bone in his body," she said. "He was always thinking of other people first."

That was demonstrated, well beyond the call of duty, when he willingly gave his own life to save those of his fellow soldiers and a little girl.

1LT Osbaldo Orozco: 1LT Osbaldo Orozco, just 26 years old, was killed in Tikrit, Iraq, when his Bradley tank, rushing to defend a checkpoint under fire, flipped over as it moved into a position to return fire.

Strong, tall and fast, Lieutenant Orozco was a star football player, both at Delano High School, in Delano, CA, and later at California Polytechnic State University, San Luis Obispo. At college, he was voted "Linebacker of the Year," was named as a Division II All-American, and racked up over 300 tackles. He gave up the opportunity to go pro by choosing to enter the Army.

He married his high school sweetheart Mayra in 2001. "He commanded four Bradleys and he loved it," she said. "He was ready to go and do his job. They all were."

Lieutenant Orozco is also survived by his parents, Jorge and Reyes Orozco, and five brothers, all over 6 feet tall. Together, they spoke with great pride of Osbaldo's many accomplishments—academic and athletic—and those special leadership qualities that so endeared him to the men he commanded.

SFC John W. Marshall: SFC John Winston Marshall was a 30-year veteran of the U.S. Army—a career soldier to the core. He grew up in Los Angeles and kept close family ties in the area. His parents, Odessa and Joseph, live in Sacramento.

It is worth noting that both his parents served in World War II, in many ways as trailblazers for African Americans in the armed services. His mother served as a nurse in England and his father as a quartermaster.

Because of his 30 years of distinguished service, Sergeant Marshall was eligible to leave the Armed Forces with full retirement benefits and had, in fact, planned to retire last year. Yet he decided to stay because of looming hostilities in Iraq. He was struck and mortally wounded by rocket-propelled grenade launched in an ambush by Iraqi troops.

Born in St. Louis, he moved with his family to Los Angeles when he was only 3. An accomplished flute player and a self-taught mechanic who made

motor scooters out of lawnmower engines, Sergeant Marshall graduated from Washington High School in 1972 and enlisted in the Army.

He went on to serve during the Vietnam war, in South Korea and Germany, and he was a veteran of Operation Desert Storm. At the time of his death, he was commanding a platoon of 40 men from the 3rd Infantry Division, based at Fort Stewart, GA.

According to his mother Odessa, "He wasn't there to pass the time; he was there to do a job."

His wife Denise told the Los Angeles Times: "He knew it was dangerous. He didn't run from anything."

And we should also remember that 50-year-old Sergeant Marshall was as devoted to his family as he was to his country. He leaves behind two sons and a daughter, ages 12, 13, and 14.

In one of the last e-mails he sent to his family, he noted: "I am not a politician or policy maker, just an old soldier."

Well, we politicians and policy-makers must not forget any of these heroes, regardless of their age, rank, religion, sex, or ethnic background. Together, they embody the diversity and consummate professionalism of America's Armed Forces.

We all hope and pray for the time when there will be no more casualty lists—when there will no longer be a need to recount stories of courageous men and women who willingly sacrificed their own lives, and irrevocably changed the lives of their families, their spouses, and children, in order to overthrow Saddam Hussein and liberate the people of Iraq.

Clearly, this conflict was a signal military success, and the casualties were kept relatively small. I could not be prouder of the stellar performance of our Armed Forces.

But we must never forget to honor every single loss, to pay our deepest respects and offer our deepest sympathies to those left behind, to those whose worlds have been so completely changed—and changed forever.

Mrs. BOXER. Mr. President, as we pray for all those who are in harm's way, I rise to pay tribute to seven additional young Americans who were killed in the Iraqi war.

I have made it a priority of mine to come to the Senate Chamber to read the names of the fallen military personnel who were from California or were based in my State. So far, 41 individuals have died who are connected in some way to California.

GySgt Jeffrey Edward Bohr, age 39, was killed on April 10 during a shoot-out in downtown Baghdad. He was assigned to the 1st Battalion, 5th Regiment, Alpha Company of Camp Pendleton, CA. He and his wife lived in San Clemente, CA. He was originally from northeast Iowa. He began his military career 20 years ago, serving in both the Army and the Marine Corps. During his career, he fought in Operation Desert Storm, and took part in operations in Panama, Somalia and Granada.

Cpl Jesus Gonzalez, age 22, was killed on April 12 in Baghdad. He was assigned to the 1st Tank Battalion, 1st Marine Division, Twentynine Palms, CA. He was born in Mexico and moved with his family to Indio, CA, 10 years ago. He was known as "Hugo" by his friends and family. He was a soft-spoken activist in his short life, marching in a Gulf War protest in 1992 and organizing a walk-out at his high school to support immigrant rights. However, when he was called to duty, he did not hesitate to fulfill his orders. He is survived by his wife, his 2-year-old daughter, and his parents.

SSgt Riayan A. Tejada, age 26, was killed on April 11 during combat operations in northeast Baghdad. He was assigned to the 3rd Battalion, 5th Marine Regiment, Camp Pendleton, CA. He was from New York City. He moved from the Dominican Republic to the United States in 1989. After graduating from high school, he enlisted in the Marines. He is survived by his parents and two children.

LCpl David Edward Owens, Jr., age 20, died from a chest wound inflicted during combat on April 12 in Baghdad. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, Camp Pendleton, CA. He was from Winchester, VA. He graduated from James Wood High School in 2000. He loved hunting and athletics and was a wrestler and football player in high school. He joined the Marines with the long-term goal of a career in law enforcement. At his funeral service, he became the first person ever given an honorary appointment to the Virginia State Police. He is survived by his parents.

Cpl Jason David Mileo, age 20, was killed on April 14 in Iraq. He was assigned to the 3rd Battalion, 4th Marine Regiment, 1st Marine Division, Twentynine Palms, CA. He was from Centreville, MD. He was a 2000 graduate of Chesapeake High School in Pasadena, MD. He is survived by his parents.

Army SGT Troy David Jenkins, age 25, died on Friday, April 24, from injuries sustained during combat. He was from Ridgecrest, CA. He was assigned to the B Company, 3rd Battalion, 187th Infantry Regiment, Fort Campbell, KY.

Army 1LT Osbaldo Orozco, age 26, was killed in Iraq on April 25. He was from Delano, CA. He was assigned to C Company, 1st Battalion, 22nd Infantry Regiment, Fort Hood, TX. He was a star football player at Delano High School and later played football at Cal Poly San Luis Obispo, where he attended on a full athletic scholarship. He was a captain for the Mustangs in 1999 and was named the team's Most Inspirational Player. He was commissioned as an Army officer in 2001. He was the second oldest of five sons of Mexican immigrants and the first in his family to graduate from college.

Forty-one individuals who were from California or based in California have

died in the war. The people of California, as well as all Americans, mourn their loss.

May these beautiful young Americans rest in peace.

I continue to pray for those who have been injured in the war. I hope that they and the rest of our brave young men and women serving abroad will return home safely.

Mr. GRASSLEY. Mr. President, I rise today to pay tribute to a fellow Iowan and a great American. It is with a sense of sadness but also pride that I must call to the attention of the Senate the sacrifice of Marine GySgt. Jeff Bohr of Ossian, IA, who was killed April 10, 2003, while participating in the liberation of Baghdad. Jeff Bohr is the second Iowan to have died in Operation Iraqi Freedom, and hopefully the last. Jeff Bohr served his country in the military for 20 years and had no reservations about putting his life on the line to protect American freedom and to give freedom to the Iraqi people. His loss will be felt throughout Iowa, and particularly in his hometown of Ossian. My thoughts and prayers are with Jeff's wife Lori as well as his father Eddie and mother Jeanette, his brothers, and all his family and friends. As they mourn his loss, they can know that they are not alone. Many people in Iowa and across the country share their grief and reflect on the life of Jeff Bohr, whether they knew him or not. At the same time, Jeff's family can be very proud of his service to his country. Jeff Bohr's sense of patriotic duty is a source of inspiration to us all, and his sacrifice will not be forgotten. He paid the ultimate price for our freedom and security. Words can scarcely convey the debt of gratitude that we all owe Jeff Bohr, but I want to take this opportunity to express my deepest respect and admiration for Jeff and what he did for America. Although his loss is tragic, Jeff Bohr died fighting for his country and he died a true patriot.

THE ACCESSION OF CYPRUS TO THE EUROPEAN UNION

Mr. BIDEN. Mr. President, I rise today to commend the Republic of Cyprus on its April 16 signing of an accession agreement with the European Union, and also to bemoan the failure to reach an agreement to end the nearly three-decade-old division of the island.

The achievement of accession to the European Union marks the last phase of a 30-year enterprise by the Government and people of the Republic of Cyprus, which began with an Association Agreement in 1973 and will culminate in May 2004 with full membership.

Celebration of this historic success, however, is tempered by the absence of a settlement that would have allowed the island as a whole to join the EU. The failure of the parties to reach an agreement through the United Nations process was both regrettable and avoidable.

Although the Cyprus problem has been on the United Nations agenda for almost 40 years, it was the Clinton administration's decision in 1999 to make finding a solution in Cyprus a high priority that brought the two sides of the island back to proximity talks under the good offices of the United Nations Secretary General.

Since 1999, Secretary General Kofi Annan and his special representative Alvaro de Soto have engaged interested parties in an intensive peace effort with international support, including that of U.S. Special Coordinator for Cyprus Ambassador Tom Weston. They worked feverishly with leaders in Nicosia, Athens, Ankara, and Brussels to try to persuade the parties to agree to a draft plan prior to the European Union summit in Copenhagen last December, at which the EU invited Cyprus and nine other countries to join the Union. While that effort did not produce an equitable end to the tragic division of Cyprus, it did produce a realistic framework and concrete text on which to continue discussions to resolve the remaining issues.

After years of frustration and disappointment, the people of Cyprus saw a fragile but real possibility for settlement, and the overwhelming majority of the population in both communities embraced the process.

In the first months of 2003, with the clock running out to reach an agreement before the date for Cyprus to sign the EU accession agreement, the UN Secretary General asked Tassos Papadopoulos, the newly-elected President of the Republic of Cyprus, and Turkish Cypriot leader Rauf Denktash to submit the plan to a public referendum. On March 10, Mr. Papadopoulos in good faith conditionally agreed to do so. Mr. Denktash refused.

In response, tens of thousands of Turkish Cypriots took to the streets to express their support for the UN plan and to entreat Mr. Denktash to participate in the process. But Mr. Denktash did not respond to these calls from the citizens whom he nominally represents. In denying his own people a democratic vote, he bears the primary responsibility for quashing the peace talks.

Since then, Mr. Denktash has chosen to discredit the UN process through overheated rhetoric, calling the UN plan "full of tricks" and alleging that it did not take into account the non-negotiable requirements and "realities" of the Turkish Cypriot people. He did for the first time allow day-visits across the "Green Line" that divides the island, but this welcome conciliatory gesture appears to be more of a diversionary tactic than a return to the negotiating table.

The Turkish Cypriots do have genuine concerns about their status and security, and these concerns must be reflected in any settlement decision. The Greek Cypriots need to acknowledge that before 1974 there was a Cyprus Problem and that members of

both communities committed unpardonable violence and murder. Similarly, the Turkish Cypriots need to acknowledge that there has been a Cyprus Problem ever since the Turkish invasion of 1974, with mass human suffering. Both sides must recognize that this is 2003, not 1974 or 1964, and that only a reunited Cyprus as a member of the European Union would have ironclad, international security guarantees for all its citizens.

Yet Mr. Denktash seems incapable of seizing the moment by recognizing that a negotiated settlement requires compromise. As Secretary General Annan stated in his report to the UN Security Council, however, "except for a very few instances, Mr. Denktash by and large declined to engage in negotiation on the basis of give and take," thereby complicating efforts "to accommodate not only the legitimate concerns of principle, but also the concrete and practical interests of the Turkish Cypriots."

The window for achieving a settlement is not closed. Secretary General Annan's plan remains on the table as a basis for negotiation. The European Union has affirmed that there is a place in the EU for Turkish Cypriots. Upon the signing of the accession treaty, Cypriot President Papadopoulos restated his commitment to working toward a settlement. Greek Prime Minister and EU Council Term President Simitis invited Mr. Denktash and other Turkish Cypriot political leaders to Nicosia to continue discussions toward a settlement, an invitation which Mr. Denktash to date has rejected. Turkish Prime Minister Erdogan, with an eye toward his own country's future EU membership once Ankara has met the Copenhagen criteria, endorsed on April 17 the continuation of talks based on the UN plan. I hope that Prime Minister Erdogan, Foreign Minister Gul, and other distinguished leaders in Turkey will prevail on Mr. Denktash to do what is right for all in the region.

EU leaders at the April 16 accession ceremony in Athens declared that the expanded EU represents a "common determination to put an end to centuries of conflict and transcend former divisions." The people in northern Cyprus should not be barred from "the closer ties of neighborhood" described by European Commission President Prodi. Nor should they be excluded from the opportunity, now extended to their fellow-citizens in the south, to join the world's most powerful economic association.

A lasting settlement would allow the Turkish Cypriot people to emerge from their isolation and become fully a part of Europe. It would bring opportunities for economic growth, for expanded trade, for travel and for broader educational and cross-cultural exchanges. And it would end the second-class citizenship of the Turkish Cypriot people in which their standard of living is at best one-third that of the people in the south.

If Mr. Denktash does indeed have the interests of the people of northern Cyprus at heart, he should step aside and allow the Turkish Cypriot people to choose their own future. There is too much at stake to allow another opportunity to expire.

THE TROUBLED MEDIA ENVIRONMENT IN UKRAINE

Mr. CAMPBELL. Mr. President, later this week individuals around the world will mark World Press Freedom Day. The functioning of free and independent media is tied closely to the exercise of many other fundamental freedoms as well as to the future of any democratic society. The Commission on Security and Cooperation in Europe, which I co-chair, is responsible for monitoring press freedom in the 55 participating States of the Organization for Security and Cooperation in Europe, OSCE. Recently, I reported to the Senate on the deplorable conditions for independent media in the Republic of Belarus. Today, I will address the situation of journalists and media outlets in Ukraine.

Several discouraging reports have come out recently concerning the media environment in Ukraine. These reports merit attention, especially within the context of critical presidential elections scheduled to take place in Ukraine next year. The State Department's Country Reports on Human Rights Practices in Ukraine for 2002 summarizes media freedoms as follows: "Authorities interfered with the news media by intimidating journalists, issuing written and oral instructions about events to cover and not to cover, and pressuring them into applying self-censorship. Nevertheless a wide range of opinion was available in newspapers, periodicals, and Internet news sources."

Current negative trends and restrictive practices with respect to media freedom in Ukraine are sources of concern, especially given that country's leadership claims concerning integration into the Euro-Atlantic community. Lack of compliance with international human rights standards, including OSCE commitments, on freedom of expression undermines that process. Moreover, an independent media free from governmental pressure is an essential factor in ensuring a level playing field in the upcoming 2004 presidential elections in Ukraine.

In her April 18, 2003 annual report to the Ukrainian parliament, Ombudsman Nina Karpachova asserted that journalism remains among the most dangerous professions in Ukraine, with 36 media employees having been killed over the past ten years, while beatings, intimidation of media employees, freezing of bank accounts of media outlets, and confiscation of entire print runs of newspapers and other publications have become commonplace in Ukraine.

The murder of prominent journalist Heorhiy Gongadze—who disappeared in

September 2000—remains unsolved. Ukrainian President Kuchma and a number of high-ranking officials have been implicated in his disappearance and the circumstances leading to his murder. The Ukrainian authorities' handling, or more accurately mis-handling of this case, has been characterized by obfuscation and stonewalling. Not surprisingly, lack of transparency illustrated by the Gongadze case has fueled the debilitating problem of widespread corruption reaching the highest levels of the Government of Ukraine.

Audio recordings exist that contain conversations between Kuchma and other senior government officials discussing the desirability of Gongadze's elimination. Some of these have been passed to the U.S. Department of Justice as part of a larger set of recordings of Kuchma's conversations implicating him and his cronies in numerous scandals. Together with Commission Co-Chairman Rep. CHRIS SMITH, I recently wrote to the Department of Justice requesting technical assistance to determine whether the recordings in which the Gongadze matter is discussed are genuine. A credible and transparent investigation of this case by Ukrainian authorities is long overdue and the perpetrators—no matter who they may be—need to be brought to justice.

The case of Ihor Alexandrov, a director of a regional television station, who was beaten in July 2001 and subsequently died also remains unsolved. Serious questions remain about the way in which that case was handled by the authorities.

A Human Rights Watch report, *Negotiating the News: Informal State Censorship of Ukrainian Television*, issued in March, details the use of explicit directives or *temnyky*, lists of topics, which have been sent to editors from Kuchma's Presidential Administration on what subjects to cover and in what manner. The report correctly notes that these *temnyky* have eroded freedom of expression in Ukraine, as "editors and journalists feel obligated to comply with *temnyky* instructions due to economic and political pressures and fear repercussions for non-cooperation." To their credit, the independent media are struggling to counter attempts by the central authorities to control their reporting and coverage of issues and events.

Another troubling feature of the media environment has been the control exerted by various oligarchs with close links to the government who own major media outlets. There is growing evidence that backers of the current Prime Minister and other political figures have been buying out previously independent news sources, including websites, and either firing reporters or telling them to cease criticism of the government of find new jobs.

Last December, Ukraine's parliament held hearings on "Society, Mass Media, Authority: Freedom of Speech and Censorship in Ukraine." Journalists' testi-

mony confirmed the existence of censorship, including *temnyky*, as well as various instruments of harassment and intimidation. Tax inspections, various legal actions or license withdrawals have all been used as mechanisms by the authorities to pressure media outlets that have not towed the line or have supported opposition parties.

As a result of these hearings, the parliament, on April 3rd, voted 252 to one to approve a law defining and banning state censorship in the Ukrainian media. This is a welcome step. However, given the power of the presidential administration, the law's implementation remains an open question at best, particularly in the lead up to the 2004 elections in Ukraine.

I urge our Ukrainian parliamentary colleagues to continue to actively press their government to comply with Ukraine's commitments to fundamental freedoms freely agreed to as a signatory to the Helsinki Final Act. I also urge the Ukrainian authorities, including the constitutional "guarantor", to end their campaign to stifle independent reporting and viewpoints in the media. Good news from Ukraine will come not from the spin doctors of the presidential administration, but when independent media and journalists can pursue their responsibilities free of harassment, intimidation, and fear.

CHILD ABUSE PREVENTION MONTH

Mr. LAUTENBERG. Mr. President, today I rise to talk about Child Abuse Prevention Month. Child Abuse Prevention Month was established 20 years ago by Presidential proclamation and since then, this month has been devoted to raising awareness about this tragic problem.

This year holds particular sadness for those of us from New Jersey. This past January, 7-year-old Faheem Williams was found dead in a Newark, NJ, basement where he and his two brothers had been imprisoned for weeks. He had been starved and beaten. With Faheem were his twin, Raheem, and 4-year-old brother Tyrone, both of whom were found to be malnourished and dehydrated. All of this occurred under the supervision of the State agency that placed these three boys in foster care.

His death marks a tragic failure on the part of our State and country, as do the deaths of thousands of children each year. Mr. President, I was at Faheem's funeral. That day I said that it didn't matter whether his death was due to neglect or direct abuse. We cannot permit another child to go through this ever again.

Across the country last year, 879,000 children were victims of child abuse and neglect, of whom approximately 1,200 died from maltreatment. According to the national organization, Prevent Child Abuse America, three children die every day from abuse or neglect at the hands of those who are supposed to care for them. I don't need

to say that one is too many. Most disturbingly, confirmed reports of child abuse and neglect rose 3 percent in the last year nationwide. This is the second straight year child abuse has increased.

There is no doubt that child abuse and neglect continues to be a significant problem in the United States. Our children are our future, but their health and safety in our society continues to decline. Every one of us has a responsibility to work for the welfare of the Nation's children.

The Department of Health and Human Services runs a National Clearinghouse on Child Abuse and Neglect Information, providing research and resources for prevention to individuals and communities. Many nonprofit organizations, State agencies, individual social workers, counselors, teachers, and clergy work tirelessly to determine when children are in danger. We need to support the individuals and groups who advocate for abused children, and the foster families who care for them.

Faheem Williams paid a terrible price for his little life and we must honor his memory and the memories of other victims of abuse by educating the country about the risks and signs of abuse and providing the resources available to stop it.

HONORING JOHN HARDT

Mr. BENNETT. Mr. President, I take this opportunity today to pay tribute to a very distinguished servant of the legislative branch of the Congress. In May 2003, Dr. John Hardt will end his official service with the Congressional Research Service after 32 years as a valuable resource to Congress in the field of international economics and foreign affairs. In many ways, Dr. Hardt's retirement symbolizes the ending of an era for the Congress; he is the only remaining CRS Senior Specialist now providing Congress with research and analysis in the field of foreign affairs. He has been a great asset to the Congress and to CRS throughout his long career in public service.

Dr. Hardt received both his Ph.D. in economics and a Certificate from the Russian Institute from Columbia University. Prior to joining the Congressional Research Service, he had already had the kind of illustrious career that serves as a lifetime achievement for many others. He served his country with distinction during World War II, receiving ribbons and battle stars for both the European and Asiatic Theaters of Operations as well as the Philippine Liberation Ribbon. He has been an educator—specializing in economics, Soviet studies, and Sino-Soviet studies—at the University of Washington, the University of Maryland, Johns Hopkins University, the George Washington University, the Foreign Service Institute, and American military service schools. He has served in the American private sector, specializing in Soviet electric power and nu-

clear energy economics for the CEIR Corporation in Washington, DC, and as a director of the Strategic Studies Department at the Research Analysis Corporation in McLean, VA, where he specialized in Soviet Comparative Communist and Japanese Studies. He is a widely published author, with hundreds of research papers, journal articles, technical memoranda, and books and book chapters to his credit.

Dr. Hardt joined the Congressional Research Service as the Senior Specialist in Soviet Economics in November of 1971. It is his work for CRS—and for us, the Members of this body—that I want to honor today. For the past three decades, Dr. Hardt has served Members of Congress, their staffs, and committees with his considerable expertise in Soviet and post-Soviet and Eastern Europe economics, the economy of the People's Republic of China, East-West commercial relations, and comparative international economic analysis. He has advised, among others, both the Senate and House Commerce Committees on East-West trade; the Senate and House Banking Committees on the Export-Import Bank and other U.S. government financing programs; and the Senate Finance and House Ways and Means Committees on U.S. trade policy. He frequently has traveled with congressional committee delegations, serving as a technical adviser on visits to the former Soviet Union, Poland, Hungary, the former Yugoslavia, the United Kingdom, the Federal Republic of Germany, Italy, and Sweden, and then preparing committee reports for these trips. On many occasions, Dr. Hardt has been called on to advise directly Members of Congress and congressional staff on Russian Federation debt reduction and its relationship to nonproliferation concerns, and has provided support to the Russian Leadership Program, especially those events and activities that involved Members of Congress. The extent of his national and international contacts is breathtaking and includes senior members of foreign governments and leading multinational businesses.

His most lasting legacy for Congress may well be his service as both editor and coordinator of a long series of Joint Economic Committee compendia on the economies of the PRC, Soviet Union, and Eastern Europe. The Congress can take pride in these important, well-known, and highly respected JEC studies, to which Dr. Hardt devoted so much of his talent and energies. The more than 70 volumes of this work include: *China Under the Four Modernizations, 1982*; *China's Economy Looks Toward the Year 2000, 1986*; *The Former Soviet Union in Transition, 1993*; *East-Central European Economies in Transition, 1994*; and *Russia's Uncertain Economic Future, 2001*. The series includes hundreds of analytical papers on various aspects of issues pertinent to Congress and to U.S. policy, all written by internationally recognized government, academic, and Private sector

experts, and all coordinated and edited by Dr. Hardt. This work was not only a valuable source of analysis to the Congress but also to the policymaking and academic communities at large. For many years, these volumes were the most comprehensive sources of economic data and analyses on the economies of the Soviet Union, China, and Eastern Europe.

Let me make one final point to illustrate the loss that we, as Members of Congress, will sustain with Dr. Hardt's retirement. That point concerns one of the great strengths that CRS offers to Congress, and which Dr. Hardt's tenure and contributions at CRS epitomize perfectly: institutional memory. Of the 525 Members of the 108th Congress, only 11 were Members of the 92nd Congress when Dr. Hardt first assumed his official congressional duties. Most of the countries that he has specialized in have undergone astounding transformation during his working life—some, indeed, no longer exist. The members of this deliberative body in which we serve has turned over many times. Committees have come and gone. But through it all, John Hardt has been a constant fixture, a strand of continuity in an environment of continual change—part of the collective institutional memory of CRS which is of such value to our work in Congress. We wish Dr. Hardt well in the new ventures on which he will be embarking. He will be greatly missed by us all.

ADDITIONAL STATEMENTS

CAPTAIN PENN HOLSAPPLE

• Mr. BURNS. Mr. President, I rise today in recognition of Captain Penn Holsapple's 90th birthday. Captain Holsapple served in the United States Marine Corps during the Second World War and was one of the first Marines to land on the Pacific island of Iwo Jima. Every American knows of the enormous sacrifices thousands of young Marines made on that island to defend our Nation, and Captain Holsapple himself was wounded in action twice. However, always living up to the Marine Corps motto "first to enter, last to leave," Captain Holsapple remained on Iwo Jima with his fellow Marines to the very end. I ask all of my colleagues to join me in wishing Captain Penn Holsapple a happy 90th birthday and to thank him for the service and sacrifice he gave to his country. Happy Birthday good friend.●

TRIBUTE TO THE CHEMICAL WEAPONS WORKING GROUP

• Mr. BUNNING. Mr. President, I rise today to pay tribute to the Chemical Weapons Working Group, CWWG, for receiving the Kentucky Environmental Quality Commission's 2003 Earth Day Award. Each year a dozen organizations in Kentucky receive this award for their outstanding commitment to the environment.

CWWG, under the direction of Craig Williams, has played a vital role in the demilitarization of chemical weapons at the Blue Grass Army Depot in Kentucky. I have worked with the CWWG on this important issue and I know how strongly many Kentuckians feel about disposing of these weapons in the safest and quickest manner possible.

Although it took some time, the public and political pressure from CWWG was instrumental in the Department of Defense's decision to use water neutralization, not incineration, to destroy the chemical weapons at Blue Grass Army Depot. CWWG's research efforts to demonstrate effective alternatives to incineration were beneficial to all parties involved in this important decision.

I ask my colleagues in the Senate to pay tribute to the Chemical Weapons Working Group for their role in protecting the environment and the thousands of Kentuckians that live near the Blue Grass Army Depot. ●

TRIBUTE TO DR. JAMES F. JOHNSON

● Mr. SARBANES. Mr. President, I rise today to pay tribute to Dr. James F. Johnson, an outstanding public servant, who is retiring from the U.S. Army Corps of Engineers after an exemplary career spanning more than three decades. I want to extend my personal congratulations and thanks for his many years of service and contributions to improving both the water resources of our Nation and the quality of Federal Government services.

Throughout his 32-year career with the Federal Government, Dr. Johnson has distinguished himself for his leadership, commitment, and dedication to public service, to making government work better, and to addressing some of our Nation's most critical water resource problems. Beginning in Corps of Engineers Headquarters as a program manager, he quickly advanced through the ranks to positions in senior management, including service as Chief of the Eastern Planning Management Branch, Special Assistant to the Chief of Planning, and Acting Assistant Director of Civil Works for the Upper Mississippi and Great Lakes region.

I first came to know Jim when he was selected as Chief of the Planning and Policy Division at the Baltimore District in 1985. During his 13-year tenure in Baltimore, I had the opportunity to work closely with him and his planning team on a number of water resource initiatives in the State of Maryland and the broader Chesapeake Bay Region, including the restoration of the north end of Assateague Island, the Coastal Bays of Maryland, and the Anacostia River. I know first hand the extraordinary leadership, vision and expertise Jim brought not only to projects in this region, but equally important, to building and encouraging one of the finest, most responsive and innovative planning teams in the Nation.

Among his accomplishments, perhaps the one that stands out most and underscores Jim's professionalism and creativity is the role he played in the planning, design and policy development process of one of the Corps' greatest success stories—the restoration of Poplar Island. This project, which is taking clean dredged materials from the channels leading to the Port of Baltimore and using it to restore a chain of environmentally sensitive islands in the Chesapeake Bay, has become a national model for habitat restoration and the beneficial use of dredged material. But developing and winning approval of the project was no easy task. The size and scale of the project were unprecedented. Federal policies at the time greatly limited the funding and contained other disincentives to making this a viable option. Jim and his planning staff put in countless hours helping to resolve these problems and develop innovative solutions that ultimately led to the construction of the project, relief for Maryland's dredged material disposal problem and development of the largest environmentally restoration initiative ever undertaken in the Chesapeake Bay.

Jim Johnson's contributions and accomplishments over the years have been recognized through many prestigious awards including the Army Decoration for Meritorious Civilian Service and the Secretary of Army Award for Publications Improvement, but perhaps no more so than by his selection in 1998 to return to Headquarters as Chief of the Planning and Policy Division of the Directorate of Civil Works. In this prestigious position, he has been responsible for managing some \$200 million annually in water resource investments for navigation, ecosystem restoration, and flood and storm protection. He also developed and implemented a new program to expand planner training and leadership skills.

Dr. Johnson has served the Nation with distinction. His efforts, work ethic, and abiding sense of responsibility and commitment have earned him the admiration of everyone with whom he has worked. I have enormous respect for the professionalism, ingenuity, and integrity which he brought to the positions in which he has served and greatly value the assistance he has provided to me and my staff over the years.

It is my firm conviction that public service is one of the most honorable callings, one that demands the very best, most dedicated efforts of those who have the opportunity to serve their fellow citizens and country. Throughout his career Jim Johnson has exemplified a steadfast commitment to meeting this demand. I want to extend my personal congratulations and thanks for his many years of hard work and dedication and wish him well in the years ahead. ●

RETIREMENT OF JOHN B. BROWN III, ACTING ADMINISTRATOR OF THE DEA

● Mr. BIDEN. Mr. President, James Bryant Conant once said that "each honest calling, each walk of life, has its own elite, its own aristocracy, based on excellence of performance." I rise today to pay tribute to a man who is a member of the law enforcement elite, John B. Brown III, the Acting Director of the Drug Enforcement Administration.

John Brown has spent more than three decades as a special agent in the Drug Enforcement Administration. Last year he capped his law enforcement career when he was appointed deputy administrator of the agency. And when former Administrator Asa Hutchinson was appointed as under secretary at the Department of Homeland Security, John Brown was tapped to be Acting Director of the DEA.

John Brown is a dedicated, hard-working government leader. He is known at the DEA and in the larger law enforcement community as a thoughtful, personable administrator and a man of great humility.

His career at the DEA has been a distinguished one. As a young agent he worked in Mexico where he was deeply involved in the investigation into the murder of Kiki Camarena, the brave DEA agent who was tortured and killed by Mexican drug traffickers. During that time as in the rest of his career—whether it was in Miami, the Dallas field division, the El Paso intelligence center or at DEA Headquarters—John Brown rose to the challenge and excelled at each assignment.

But it was John Brown's first job as a teacher that really shaped him as an agent. John is known by the people who worked for him at DEA as a great teacher, someone who took the time to coach them, to motivate them, to counsel them. For that reason, he is one of the most popular administrators at DEA, and one of the most respected.

As a school teacher, John quickly found that many of the problems he saw among students in his classroom involved learning the skills and attitudes and character to cope with life. Drug use was becoming widespread in the early 1970s and prompted John to decide to join DEA as a special agent.

In truth, he never left the classroom. He has said many times that one of his proudest moments at DEA came when a former student—someone who as a young student had listened to one of his talks about the perils of drug use came up to him in an airport years later. He introduced himself, said that he had a great job and a wonderful family—both of which he said would have been impossible had he joined his many friends who used drugs in high school. He credited John Brown's talk on drugs with keeping away from a life of substance abuse.

I would be remiss if I did not mention John's wife, Christine Brown, who has been a source of tremendous support

and strength to John and their family. I know that she and their two children P.J. and Michael are incredibly proud of John and the superior and important work that he has done over the course of his career.

John Brown is a leader of integrity and total dedication. He has served his country well and I wish him all the best.●

SOUTH DAKOTA SCHOOL OF MINES AND TECHNOLOGY TAKE FIRST PLACE IN ROCKY MOUNTAIN REGIONAL CONCRETE CANOE COMPETITION

● Mr. JOHNSON. Mr. President, I rise today to recognize and congratulate the South Dakota School of Mines and Technology on earning first place for their remarkable display of ingenuity and design at the 2002 Rocky Mountain Regional Concrete Canoe Competition in Logan, UT.

Under the supervision of their advisor, Dr. Marion Hansen, the team earned their 14th first place regional win within the last 16 years. This win qualifies the team for the National Concrete Canoe Competition hosted by Drexel University in June. South Dakota School of Mines and Technology's American Society of Civil Engineering program has a strong record of finding ingenious solutions to complex problems, and has placed in the top five in the National Concrete Canoe Competition five times as well as winning the over all national competition in 1995.

Based on appearance, weight, presentation, and sprint and endurance races for men, women, and co-ed squads, the South Dakota School of Mines and Technology team defeated teams from Wyoming, Utah, and Colorado for their first place win. To effectively implement their strategy, students worked as a whole and within centralized teams, such as hull design, mix design, construction, and paddling, to bring the project together as an award-winning canoe. This win reflects the work ethic and dedication that is so visible in the state of South Dakota.

I want to acknowledge Dr. Richard J. Gowen, president of the South Dakota School of Mines and Technology, as well as Dr. Marion R. Hansen, for their guidance and support to help make this year's team so successful. I also want to congratulate all of this year's team members: Steve Lipetzky, Andy Coats, Ryan Hamilton, Dave Lowe, Eric Gassland, Jen Pohl, Mandy Kost, Katie Zeller, Tarar Boehmer, Wade Lein, and Marshall Cassidy.

Again, congratulations to the South Dakota School of Mines and Technology on winning their 14th regional concrete canoe competition.●

JIM WILDING

● Mr. WARNER. Mr. President, I rise today to honor a friend and an outstanding citizen of the Commonwealth of Virginia, James A. Wilding, on the

occasion of his retirement from the Metropolitan Washington Airports Authority. In the 25 years I have had the opportunity to serve in this body many Senators have come and gone. The faces of industry and its leaders have changed as well. In changing times Jim Wilding has been constant—always a trusted advisor to me and others for the more than 40 years he has served the Nation's capital airports.

In his role at the Authority, Jim is responsible for the management of two of our most important airports in the country—Washington Dulles International Airport and Ronald Reagan Washington National Airport. He has managed them through rapid growth, the transition away from Federal operation, and now into the new post 9/11 security paradigm. His vision is the result of strong knowledge, experience, and dedication to his craft.

Mr. Wilding began his career with the Federal Aviation Administration soon after graduating from the Catholic University of America in 1959 with a graduate degree in civil engineering. At the FAA, he participated in the original planning and development of Washington Dulles International Airport. I remember when that airport was being built—many scoffed at the idea. They questioned the need for a facility of that magnitude and objected to the seemingly rural location. Today we applaud the foresight that went into Dulles. Our transportation system relies on the balance between Dulles and Reagan. Jim Wilding has been an integral part of this visionary leadership.

Following the opening of Dulles in 1962, Mr. Wilding held progressively responsible positions in all phases of engineering for the two federally owned airports, eventually becoming the organization's chief engineer. He served as chief engineer until becoming the airports' deputy director in 1975, and then its director 4 years later.

Mr. Wilding served as the director of the FAA's Metropolitan Washington Airports organization from December 1979. In June 1987, the airports were transferred to the newly created Airports Authority, where he assumed his current position as president.

During his tenure as president and CEO of the Airports Authority, the Metropolitan Washington Airports Authority passenger activity at National and Dulles Airports nearly doubled to 31 million passengers in 2002. With this growth, he has overseen and managed a massive capital development program at both airports totaling well over \$3 billion dollars. Under his leadership, Reagan National Airport was modernized with a new terminal building in 1997 which brought major improvements to airport traffic management and Metro system connections. At Dulles, he directed the expansion and construction of new concourses, the building of the airport's first parking garages, and is now managing a \$3.2 billion capital improvement project. In

addition, the Smithsonian will open its new Air and Space Museum later this year located at Dulles Airport.

Mr. Wilding's career is highlighted with many accolades, which, along with his outstanding performance, have earned him a national and international reputation as an aviation industry expert.

I wish to extend my sincerest congratulations to Mr. James A. Wilding on the occasion of his retirement. I am honored to recognize his many accomplishments to our region, applaud his service to our entire Nation's aviation transportation system, and to call him a friend.●

HONORING HENRY S. SCHLEIFF, CHAIRMAN AND CEO OF COURT TV NETWORK

● Mr. LAUTENBERG. Mr. President, on April 1, 2003, Henry Schleiff, chairman and CEO of Court TV, was awarded the Cable Television Public Affairs Association, CTPAA, President's Award. CTPAA is a national organization that focuses on public affairs issues within the cable industry. I can think of no better person to be honored with this award considering the efforts Mr. Schleiff has put forth to serve his industry and the public community.

His career has featured an impressive array of both private and public service. Since his career began with HBO, Mr. Schleiff has moved up the ranks of the entertainment industry—from senior vice president of business affairs and administration for HBO and head of HBO Enterprises in the 1980s, to executive producer for Viacom International Inc. and CEO of Viacom's Broadcast and Entertainment Groups in the early 1990s, to executive vice-president for Studios USA in the late 1990s. Mr. Schleiff has been the CEO of Court TV since December 1999 and has been the catalyst for its revival. Under his leadership, Court TV has become one of the most successful basic cable networks in the industry, growing from 30 million subscribers to nearly 80 million in just 4 years.

Equally impressive are Mr. Schleiff's efforts for the public community. He is vice chairman of the board of directors for the International Radio & Television Society Foundation, Inc. IRTS, and he serves on the board of directors of the International Council, The Creative Coalition, and Theatreworks. Court TV's Choices and Consequences education program, already in more than 100,000 schools, encourages children to make responsible decisions and positive contributions to society. The "Everyday Heroes" program honors brave and courageous individuals who made personal sacrifices or significant contributions.

Mr. President, I ask unanimous consent that a copy of Mr. Schleiff's award acceptance speech be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

It is really a great honor to appear this evening with a group of colleagues and friends, who I so admire and respect, because they clearly share our network's vision . . . and, our sense of duty to make a difference in the communities we serve. I accept this year's President's Award with great pride, as a validation of the important work done by our network, Court TV—work that is very much unfinished and ongoing—and, I accept this award with great appreciation on behalf of the extraordinarily dedicated and talented team led by Dick Beahrs and Scoot MacPherson in this area, at Court TV.

It is, equally, a real privilege to appear with a gathering of probably the most passionate, dedicated and caring people anywhere in the media. I am proud to be a part of an industry like cable that is recognized for its unequalled support for diverse programs and initiatives providing valuable public service outreach. Moreover, the suggestions and new ideas you have shared over the past three days will, no doubt, contribute significantly to our ability to maintain cable's position as both the moral and financial leader, in the field of telecommunications.

All of us in this room, tonight, know that we don't have to do public service. We don't have to go into neighborhoods and encourage better education, promote health care, or teach tolerance and understanding. Why do we—why do you—participate and pursue these causes: quite simply, because you choose to. I have some idea of the sacrifice and effort those here, tonight, make every day, and it is not unreflective of Winston Churchill's observation that "we make a living by what we get, but we make a life . . . by what we give." Those who received this award, in senior management, like myself, do so merely on behalf of those, in the field, like you, who make the real contributions. It is we, who should give this award to you, because it is we who should appreciate and, indeed, should be inspired by what you do.

We must all recognize that public service is important from a number of perspectives: its impact is felt in both karma and dollars. Indeed, the legacy of the vast array of programs represented here, tonight, will live on long after most, if not all, of the shows and series that can be seen on any given network. I particularly value what people do in this area because, quite frankly, I am a product of the Kennedy 60's—I bought the ideal of contribution and, in fact, it has served me well; it has served Court TV well, and hopefully it serves you, because through your efforts, public service puts this industry in the best possible light, especially in these dark and troubled times.

In a world where we correctly criticize much of what we see on television . . . and in a business where we are struggling with customer service and competition, the one real, indisputable Beacon (no pun intended) of success in every corner . . . and, by any measure, is the diverse and important work that people in Public Affairs do every day. Cable, like any service industry, often gets a black eye. But, because of your words and, more importantly, your deeds, you are the people who ameliorate those complaints and put this industry in the enviable position of being community activists for positive social change.

Not only is what you do substantively important, but it is also well communicated to our audiences—both viewers of our programming and, more generally, subscribers who

live in our communities of service. Oddly enough, the only ones who sometimes have trouble hearing your message and understanding its importance, are, frankly, those often responsible for the purse strings. The irony is that we must all do a better job in communicating the legitimate success and importance of our work not externally, outside our company, but rather, to those in the executive suites. . . . Not only because all of us here, tonight, are on the side of right (and, as we say at Court TV, justice), but also because, in the end, this is also very much in the best economic interests of our companies. We can do well . . . by doing good; we can do "well", financially . . . by doing "good", morally. In that regard, public affairs efforts are among the most distinctive and beneficial qualities of cable systems and their programming. Why: because you live where the rubber meets the road. You live where the cable operator or cable network meets the customer or viewer, as the case may be . . . you are part and parcel of the communities in which you serve . . . and, given your work, this industry simply could not ask for better representatives.

We take great pride in our commitment to public service at Court TV, and, especially, the recognition it is receiving tonight, because we have always understood the power of the medium of television—and, the potential for good that a network like ours can play. For example, I recently learned that five-year olds, typically, have watched more than 5,000 hours of TV before they even enter kindergarten—in most families, today, that's more time than they have spent in conversation with their parents—and, in all cases, that is, statistically, more hours . . . than it takes to earn a college degree. With our experience in creating quality educational initiatives—and, with the support and partnership of our cable affiliates, we are increasingly focused on harnessing the power of television—both, on and off air—for its use as an effective and engaging public service tool.

In that regard, allow me to point out some of the recent specific initiatives that Court TV's Public Affairs and Corporate Communications people have introduced or otherwise pursued and which provide me with the privilege of standing here, tonight, on their behalf.

Principally, you know us for our Golden Beacon Award-winning Choices and Consequences education programs, which, in its five year existence, has reached more than 100,000 schools with programs designed to keep our nation's youth . . . out of our nation's courts, by teaching young people that a poor choice made in a moment . . . can have devastating consequences . . . for a lifetime. Through Choices and Consequences, we aim to empower our children to make responsible decisions and to contribute, positively, to society. We have added educational programs like the Forensics in the Classroom Curriculum, and the Mobile Investigation Unit tour, which has made stops in 20 cities last year and plans 23 this spring and summer. Tomorrow afternoon, we celebrate the latest group of "Everyday Heroes," honoring those who demonstrate bravery and courage, often through individual acts of personal sacrifice. As you may be aware, an element of education and pro-social causes runs, like a thread, through much of our programming. Certainly, many of our investigative documentaries and specials raise critical issues regarding tolerance, or the fairness of our criminal justice system. This

year, for example, we will again focus on Robert F. Kennedy's legacy and the Human Rights Award. And, finally, our original movies attempt to raise important and relevant questions which lead to informed debate about a variety of judicial and social issues.

The poet Ralph Waldo Emerson said, "to appreciate beauty, to find the best in others, to leave the world a little better, whether by a healthy child, a garden patch or a redeemed social condition; to know even one life has breathed easier because you have lived. This is the meaning of success." It is in that light, that we at Court TV share with you in your passion, your vision and our mutual goal of bringing about positive change through education and understanding.

I accept this year's CTPAA President's Award, as a validation of the public affairs work done by Court TV; I accept the President's Award, on behalf of all of you, whose tireless dedication has so contributed to tonight's . . . success; and, finally, I accept this award as a reflection of your values and ideals which are so important to the future of this industry and . . . this nation.●

PROFESSOR JOE WILKINS' RETIREMENT

● Mr. DURBIN. Mr. President, I rise today to recognize Professor Joe Wilkins' contributions to the State of Illinois and our country.

Professor Wilkins will retire from the University of Illinois in May 2003. He will officially become a "University of Illinois Professor Emeritus of Management" which is an accomplishment in and of itself, but is only one facet of his career.

Professor Wilkins has been a very effective teacher. He received an "Outstanding Teacher" award selected by a vote of the University student body. His graduate course in International Business was chosen by students in the College of Business and Management as their most valuable class. Additionally, during 2002 Professor Wilkins received the highest evaluation of all the faculty by students in the college.

Prior to his teaching career, Professor Wilkins served with distinction as a captain in the United States Air Force. While serving he was repeatedly decorated for heroism in combat. His many decorations include the Silver Star and two Purple Hearts, which were awarded for his twice being wounded in combat. Despite being injured in combat, he continues to run at least one 26.2-mile marathon a year and enjoys scuba diving and sky-diving.

In addition to his teaching and service to many organizations, Professor Wilkins has responded for over 30 years to the needs of his home community—Springfield, IL. Some of the many services he has provided to Springfield include being a regular blood donor and

providing flights to needy persons requiring medical assistance. He has donated more than 15 gallons of blood including 59 pints at the Central Illinois Community Blood Bank in Springfield.

Professor Wilkins has held positions with both the State of Illinois and the city of Springfield. As an operations research analyst for the State of Illinois he helped analyze managerial operations. Additionally, he has served in many capacities and consulted on multiple issues for the city of Springfield. Most notably, in 1982 he took an academic leave from the university to serve for 13 months as Comptroller of Springfield. On numerous occasions since then he has provided management advice to the city of Springfield.

Professor Wilkins has been a teacher and role model to thousands of undergraduate and graduate students. I am sure the University of Illinois will miss him greatly. Professor Wilkins has had a lifetime of community service in which he established a reputation of personal integrity and demonstrated courage. He is a distinguished citizen and deserves to be recognized for all of his contributions to society.●

IN HONOR OF E.E. WARD MOVING AND STORAGE COMPANY LLC OF COLUMBUS, OHIO

● Mr. VOINOVICH. Mr. President, I rise today to congratulate and pay tribute to the E.E. Ward Moving and Storage Company LLC of Columbus, OH, for 122 years of service to the great State of Ohio. Recently, the U.S. Department of Commerce and the Congressional Black Caucus recognized the E.E. Ward Company as the oldest African-American-owned business in America.

The Ward family has longstanding roots in Ohio dating back before the Civil War. From 1842 to 1858, John T. Ward was a conductor on the Underground Railroad which ran through Columbus, and the Ward home was a well-known stop. During the Civil War, John T. Ward received government contracts to haul munitions, supplies, and equipment for the U.S. Army.

After the Civil War, John's son, William Ward, began working for his father, and then he went to work for the Union Transfer and Storage Company. At Union Transfer, he moved up through the ranks serving as teamster, work supervisor, foreman, and rate clerk. In 1881, William Ward rejoined his father John T. Ward and together they founded the Ward Transfer Line, a wagon transportation business in downtown Columbus.

Since 1881 the company has evolved and changed with the times. In 1889, the company changed its name to E.E. Ward Transfer and Storage Company, when the youngest son, Edgar Earl Ward, assumed management of the company. He was 18 years old. Twenty-five years later, in 1914, the company began its shift to motorized moving and retired its last horse in 1921.

Over the years, E.E. Ward has performed moves for schools, museums, libraries, business, and homes. In the 1950s, the E.E. Ward Company was awarded two notable contracts in Columbus—from the Steinway Piano Company and the Franklin County Board of Elections. During the course of those contracts, it is estimated that the company moved over 900,000 pianos and hundreds of voting machines to various precincts in Columbus.

The Company's Chairman Emeritus is Eldon W. Ward, the grandson of William Ward. He joined the company in 1945 and retired 51 years later in 1996. Mr. Eldon Ward has been recognized as an accomplished business leader and is admired by many. He was inducted into the Ohio Corporate Hall of Fame in 1991 and the Central Ohio Business Hall of Fame in 1992. Under his leadership, the E.E. Ward Company received the National Torch Award of Marketplace Ethics from the Better Business Bureau.

As a community leader, Eldon Ward served on the boards of over 40 community organizations, including the local chapter of the American Red Cross, the Salvation Army, and the Chamber of Commerce. He served as board president of the Columbus Foundation, the Franklin County United Way, and the Central Ohio YMCA, which was renamed the Eldon W. Ward YMCA in 1991.

Today, E.E. Ward Moving & Storage Company is an agent of Bekins Van Lines and provides local and interstate household goods relocation services and a variety of logistics services to residential, government and corporate customers. The company focuses primarily on residential and business moves and storage.

The longevity of the E.E. Ward Company is the result of its commitment to excellent service. The current owners, Brian A. Brooks, president and godson of Eldon Ward, and Otto Beatty III, co-owner, recently purchased the company. Both are in their early thirties. They have chosen to carry on the entrepreneurial torch of their parents and grandparents and are wonderful examples to other young business owners. In fact, the company was recently awarded the 2002 Super Service Award from Angie's List, a consumer and household rating company.

Brian Brooks and Otto Beatty are privy to a wealth of experience and wisdom from family members and community members. Like their forebears, they focus on providing excellent service to their customers and giving generously to their community. Their dedication and commitment is a shining example of good corporate citizenship, something we need more of throughout America.

I am pleased that this year the King Arts Complex in Columbus will be the recipient of a beautiful painting by famed Columbus Artist Aminah Lynn Robinson that illustrates the history of the company and the Ward family's

role in the Underground Railroad. We shall all pay tribute to people like the John T. Ward family who helped America's enslaved citizens gain freedom. That is why in my first year in the United States Senate, I co-sponsored the bill to provide Federal funding to the Underground Railroad Freedom Center in Cincinnati, the only national center of its kind in the country. I hope the painting about the Ward Family will inspire people of all ages to learn more about the significant role of the Underground Railroad in our history.

Recently, on the occasion of Ohio's bicentennial, I reminded a joint session of the Ohio General Assembly in Chillicothe that our forefathers delivered for us and now the future of our great State is in our hands. Throughout Ohio's history, the Ward family has made major contributions to the quality of life by creating jobs and opportunities for countless Americans and we should all be grateful for their hard work and dedication.

I believe Brian Brooks's and Otto Beatty's ancestors would be very proud of their work today. With the two of them at the helm of the E.E. Ward Moving and Storage Company, I think its future will be bright for many years to come.

I wish the E.E. Ward Moving and Storage Company the best of luck in all of its endeavors and I look forward to congratulating them on many successes in the future.●

JOHN C. CARY

● Mr. BOND. Mr. President, I rise today to pay tribute to the achievements of a distinguished member of the Missouri education community, Mr. John C. Cary.

Mr. Cary is retiring this year after 17 years of distinguished service to the children and families of the Mehlville school district. As superintendent of schools for the Mehlville district he has guided the district to academic success, ensuring quality education for all Mehlville children. He has helped nurture Missouri's youth with a steadfast dedication and care. His devotion to education has earned him awards and recognition from around the State, including the Distinction in Performance Award for 2002-2003 school year.

Mr. Cary's lifetime commitment to education and children is admirable and inspiring. Today I join with the 12,000 students in the Mehlville school district in celebrating his 31 years as a distinguished educator. I thank him for his hard work and dedication to the children and families of Missouri.●

HOLOCAUST MEMORIAL DAY

● Ms. CANTWELL. Mr. President, I rise today in honor of Holocaust Memorial Day, known in Hebrew as "Yom Ha Shoah."

Seventy years ago, Adolf Hitler was appointed Chancellor of Germany. In

1933, the German Government adopted numerous discriminatory policies against Jews. Jews were prohibited from working as newspaper editors or owning land, and many Jewish immigrants had their citizenship revoked. These actions fueled anti-Semitic sentiments among the general public. Seventy years ago this month, German citizens marched through the streets of Leipzig with signs that read: "Don't buy from Jews—Shop in German businesses!"

It was a dark time for Germany, but many throughout the world thought that the situation would improve. The 1936 Olympic Games were held in Berlin, even against the backdrop of the rise of Hitler, the Gestapo, state-sponsored Aryan qualifications and the construction of the first concentration camps at Dachau and Buchenwald. In 1939, Jews were relocated into Jewish ghettos, placed under curfews and banned from most professions. The world still ignored the problem; in May of that year, a ship packed with 930 Jewish refugees was turned away by several countries and forced to return to Europe. One of those countries was the United States.

By late 1939, Polish Jews were forcibly placed in labor camps and required to wear yellow stars for identification at all times. Mass killings—called pogroms—took tens of thousands of lives, and Jews from conquered states were deported to German concentration camps. Following the German invasion, France signed an armistice with Hitler on June 22, 1940. Exactly 1 year later, Germany invaded the Soviet Union.

All the while, the world ignored the extermination of the Jewish people, and the United States wrapped itself in the flawed doctrine of isolationism. It took far too long for our Nation to grasp its responsibility and stake in World War II. When the war ended, Germany had murdered over 6 million Jews in the Holocaust. Pastor Martin Niemöller described his reluctance to stand up and help people in Germany, and I believe his critique can apply to individuals and countries:

First they came for the Jews, and I did not speak out because I was not a Jew. Then they came for the Communists, and I did not speak out because I was not a Communist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for me and there was no one left to speak out for me.

Today we remember those who suffered. We remember those who were murdered. We remember those who spoke out. We will never forget them. This history informs the difficult choices that we face today.●

MESSAGE FROM THE HOUSE

At 11:47 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 6. An act to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-1937. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; revising the Regulations Concerning Compensation Rates for Handlers' Services Performed Regarding Reserve Prunes Covered Under the California Dried Prune Marketing Order (Doc. No. FV02-993-2 FR)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1938. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Dried Prunes Produced in California; Revising Pertaining to a Voluntary Prune Plum Diversion Program (Doc. No. FV02-993-3)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1939. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Nectarines and Peaches Grown in California; Revision of Handling Requirements for Fresh Nectarines and Peaches (Doc. No. FV03-916-2)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1940. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Sweet Cherries Grown in Designated Counties in Washington; Establishment of Procedures to Allow the Grading or Packing of Sweet Cherries Outside the Production Area (Doc. No. FV02-923-1)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1941. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Raisins Produced from Grapes Grown in California; Final Free and Reserve Percentages for 2002-03 Crop Natural (sun-dried) Seedless and Zante Currant Raisins (Doc. No. FV03-989-4)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1942. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Onions Grown in South Texas; Increased Rate (Doc. No. FV03-959-1)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1943. A communication from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Decreased Assessment Rate; Correction (Doc. FV03-966-03)"

received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1944. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exceptions to Geographic Areas for Official Agencies Under the USGSA (0580-AA76)" received on April 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1945. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Recognition of Animal Disease Status of Regions in the European Union (Doc. No. 98-090-5)" received on April 11, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1946. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Exotic Newcastle Disease; Additions to Quarantined Area (Doc. No. 02-117-5)" received on April 22, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1947. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Pesticides; Minimal Risk Tolerance Exemptions (FRL 7302-6)" received on April 16, 2003; to the Committee on Agriculture, Nutrition, and Forestry.

EC-1948. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Control of Communicable Diseases (0920-AA03)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-1949. A communication from the Regulations Coordinator, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Civil Money Penalties: Procedures for Investigations, Imposition of Penalties and Hearings (0938-AM63)" received on April 16, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-1950. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Interim Final Amendment for the Mental Health Parity Act of ERISA (29 CFR 2590) (1210-AA62)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-1951. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Rule for Reporting by Multiple Employer Welfare Arrangements and Certain Other Entities that Offer or Provide Coverage for Medical Care to the Employees of Two or More Employers (29 CFR 2520) (1210-AA54)" received on April 11, 2002; to the Committee on Health, Education, Labor, and Pensions.

EC-1952. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Plans Established or Maintained Under Pursuant to Collective Bargaining Agreements Under Section 3(40)(A) of ERISA (1210-AA48)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-1953. A communication from the Director, Regulations Policy and Management, Department of Health and Human Services,

transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Hematology and Pathology Devices; Reclassification of Automated Blood Cell Separator Devices Operating by Filtration Principle from Class III to Class II (Doc. No. 96P-0484)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-1954. A communication from the Director, Division of Acquisition Management Services, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "29 CFR Part 99 Audits of States, Local Governments, and Non-Profit Organizations (1291-AA278)" received on April 11, 2003; to the Committee on Health, Education, Labor, and Pensions.

EC-1955. A communication from the Acting Executive Director & General Counsel, Appraisal Subcommittee, Federal Financial Institutions Examinations Council, transmitting, pursuant to law, the Appraisal Subcommittee's Fiscal Year 2002 audited financial statements, received on April 23, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1956. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the report to Congress relating to the Imposition of Foreign Policy Controls on Specially Designated Global Terrorists, received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1957. A communication from the Under Secretary for Industry and Security, Department of Commerce, transmitting, pursuant to law, the report to Congress related to the Expansion of Foreign Policy-Based Controls on Explosives Detection Equipment, received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1958. A communication from the Assistant Secretary, Export Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Exports and Reexports of Explosives Detection Equipment and Related Software and Technology; Clarification and Explanation of Foreign Policy Controls; to the Committee on Banking, Housing, and Urban Affairs."

EC-1959. A communication from the Assistant Secretary, Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Export Administration Regulations Related to the Missile Technology Control Regime (MTCR) (0694-AC22)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1960. A communication from the Deputy Secretary, Division of Corporation Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Standards Relating to Listed Company Audit Committees (3235-A175)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1961. A communication from the Assistant General Counsel, Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Inflation Adjustment of Civil Money Penalty Amounts (2501-AC91)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1962. A communication from the Assistant General Counsel, Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Mortgage Insurance Premiums in Multifamily Housing Programs (2502-AH64)" received on April 11, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC-1963. A communication from the Director, National Cemetery Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Eligibility for Burial of Adult Children; Eligibility for Burial of Minor Children; Eligibility for Burial of Certain Filipino Veterans (2900-AI95)" received on April 22, 2003; to the Committee on Veterans' Affairs.

EC-1964. A communication from the Director, Regulations Management, Veterans Health Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Reasonable Charges for Medical Care or Services; 2003 Update (2900-AL57)" received on April 24, 2003; to the Committee on Veterans' Affairs.

EC-1965. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report entitled "Devolution of Research, Development, Test, and Evaluation Programs and Activities Beginning in FY 2004" received on April 11, 2003; to the Committee on Armed Services.

EC-1966. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report entitled "Department of Defense Fiscal Year 2002 Purchases From Foreign Entities" received on April 11, 2003; to the Committee on Armed Services.

EC-1967. A communication from the Under Secretary of Defense, Acquisition, Technology and Logistics, Department of Defense, transmitting, pursuant to law, the report of the Annual Selected Acquisition Reports (SARs) for the quarter ending December 31, 2002; to the Committee on Armed Services.

EC-1968. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-1969. A communication from the Assistant Secretary of Defense, Reserve Affairs, Department of Defense, transmitting, pursuant to law, the STARBASE program Annual Report for Fiscal Year 2002; to the Committee on Armed Services.

EC-1970. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-1971. A communication from the Deputy Secretary of Defense, Department of Defense, transmitting, pursuant to law, the report relative to the transportation of a chemical warfare agent; to the Committee on Armed Services.

EC-1972. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-1973. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report of a retirement; to the Committee on Armed Services.

EC-1974. A communication from the Under Secretary of Defense, Personnel and Readiness, Department of Defense, transmitting, pursuant to law, the report relative to the Armed Forces' aviation programs, received on April 11, 2003; to the Committee on Armed Services.

EC-1975. A communication from the General Counsel of the Department of Defense, transmitting, pursuant to law, the report of a proposed Bill entitled "The Defense Transformation for the 21st Century Act" received on April 11, 2003; to the Committee on Armed Services.

EC-1976. A communication from the Director, Admissions Liaison, USAF Academy

Group, Department of the Air Force, transmitting, pursuant to law, the report relative to sexual assault cases at the U.S. Air Force Academy; to the Committee on Armed Services.

EC-1977. A communication from the Acting Secretary of the Navy, Department of the Navy, transmitting, pursuant to law, the report relative to the addition of 150,000 workstations under the Navy Marine Corps Intranet (NMCI); to the Committee on Armed Services.

EC-1978. A communication from the Vice Admiral, Deputy Chief of Naval Operations, Manpower and Personnel, Department of the Navy, transmitting, pursuant to law, the report relative to the implementation of performance by the Most Efficient Organization (MEO); to the Committee on Armed Services.

EC-1979. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Foreign Acquisition (DFARS Case 2002-D009)" received on April 11, 2003; to the Committee on Armed Services.

EC-1980. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Extension of Contract Goal for Small Disadvantaged Businesses and Certain Institutions of Higher Education (DFARS Case 2002-D038)"; to the Committee on Armed Services.

EC-1981. A communication from the Secretary of Energy, transmitting, pursuant to law, the report entitled "Fiscal Year 2002 report on Laboratory Directed Research and Development (LDRD); Plant Directed Research, Development and Demonstration (PDRD); and Site Directed Research, Development and Demonstration (SDRD) Programs" received on April 28, 2003; to the Committee on Energy and Natural Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

Report to accompany S. 113, a bill to exclude United States persons from the definition of "foreign power" under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism (Rept. No. 108-40).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. WARNER for the Committee on Armed Services.

*Lawrence Mohr, Jr., of South Carolina, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences.

*Sharon Falkenheimer, of Texas, to be a Member of the Board of Regents of the Uniformed Services University of the Health Sciences.

Marine Corps nomination of Maj. Gen. Henry P. Osman.

Air Force nominations beginning Brigadier General John B. Handy and ending Colonel Darryll D. M. Wong, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2003.

Marine Corps nomination of Col. Douglas M. Stone.

Navy nomination of Capt. Thomas K. Burkhard.

Army nomination of Maj. Gen. James J. Lovelace, Jr.

Mr. WARNER. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning Paul L. Cannon and ending Frank A. Yerkes, Jr., which nominations were received by the Senate and appeared in the Congressional Record on February 25, 2003.

Air Force nomination of Lawrence Mercandante.

Air Force nominations beginning Stanley J. Buelt and ending Christopher W. Castleberry, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Air Force nominations beginning Eugene L. Capone and ending Allen L. Womack, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Air Force nominations beginning Gary D. Bomberger and ending Warren R. Robnett, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Air Force nominations beginning Michael F. Adames and ending Scott A. Zuerlein, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning Curtis J. Alitz and ending Mary J. Wyman, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Richard P. Bein and ending Kelly E. Taylor, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning Deborah K. Betts and ending David Williams, which nominations were received by the Senate and appeared in the Congressional Record on January 15, 2003.

Army nominations beginning James R. Kerin, Jr. Army nominations beginning Henry E. Abercrombie and ending Michelle F. Yarborough, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning Michael P. Armstrong and ending Craig M. Whitehill, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning John F. Agoglia and ending Jeffrey R. Witsken, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nominations beginning Paul F. Abel, Jr. and ending X4432, which nominations were received by the Senate and appeared in the Congressional Record on March 26, 2003.

Army nomination of William T. Boyd.

Army nominations beginning Richard D. Daniels and ending George G. Perry III, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2003.

Army nominations beginning Gary L. Hammett and ending David L. Smith, which nominations were received by the Senate and

appeared in the Congressional Record on April 7, 2003.

Army nominations beginning Edward A. Hevener and ending Zeb S. Regan, Jr., which nominations were received by the Senate and appeared in the Congressional Record on April 10, 2003.

Marine Corps nomination of Kenneth O. Spittler.

Marine Corps nominations beginning Thomas Duhs and ending William M. Lake, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Patrick W. Burns and ending Daniel S. Ryman, which nominations were received by the Senate and appeared in the Congressional Record on February 11, 2003.

Marine Corps nominations beginning Donald J. Anderson and ending Donald W. Zautcke, which nominations were received by the Senate and appeared in the Congressional Record on March 11, 2003.

Marine Corps nominations beginning Sean T. Mulcahy and ending Steven H. Mattos, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Marine Corps nominations of Franklin McLain.

Marine Corps nominations beginning Bryan Delgado and ending Paul A. Zacharuk, which nominations were received by the Senate and appeared in the Congressional Record on March 24, 2003.

Marine Corps nomination of Michael H. Gamble.

Marine Corps nomination of Jeffrey L. Miller.

Marine Corps nominations of Barrett R. Byrd.

Marine Corps nominations beginning Jeffrey Acosta and ending John G. Wemett, which nominations were received by the Senate and appeared in the Congressional Record on April 7, 2003.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. DOMENICI, Mr. HATCH, Mr. INOUE, and Ms. MURKOWSKI):

S. 931. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land; to the Committee on Energy and Natural Resources.

By Mr. BREAUX (for himself, Mr. ENSIGN, Mr. CRAPO, and Mr. BUNNING):

S. 932. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

By Mr. BREAUX:

S. 933. A bill to amend the Internal Revenue Code of 1986 to modify the active business definition under section 355; to the Committee on Finance.

By Mr. BREAUX (for himself and Mr. NICKLES):

S. 934. A bill to amend the Internal Revenue Code of 1986 to modify the small refiner exception to the oil depletion deduction; to the Committee on Finance.

By Mr. BREAUX:

S. 935. A bill to amend the Internal Revenue Code of 1986 to allow certain coins to be acquired by individual retirement accounts and other individually directed pension plan accounts; to the Committee on Finance.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 936. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain fines, penalties, and other amounts; to the Committee on Finance.

By Mr. VOINOVICH (for himself, Mr. DEWINE, and Mr. LEVIN):

S. 937. A bill to reauthorize the Harmful Algal Bloom and Hypoxia Research and Control Act of 1998, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. MURRAY:

S. 938. A bill to amend title 38, United States Code, to provide for the payment of dependency and indemnity compensation to the survivors of former prisoners of war who died on or before September 30, 1999, under the same eligibility conditions as apply to payment of dependency and indemnity compensation to the survivors of former prisoners of war who die after that date; to the Committee on Veterans' Affairs.

By Mr. HAGEL (for himself, Mr. HARKIN, Mr. WARNER, Mr. CHAFEE, Ms. COLLINS, Ms. SNOWE, Mr. COLEMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. REED):

S. 939. A bill to amend part B of the Individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. GRAHAM of South Carolina:

S. 940. A bill to amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

By Mr. EDWARDS:

S. 941. A bill to establish the Blue Ridge National Heritage Area in the State of North Carolina, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BROWNBACK (for himself and Mr. NELSON of Nebraska):

S. 942. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

By Mr. ENZI:

S. 943. A bill to authorize the Secretary of the Interior to enter into 1 or more contracts with the city of Cheyenne, Wyoming, for the storage of water in the Kendrick Project, Wyoming; to the Committee on Energy and Natural Resources.

By Mr. JEFFORDS (for himself, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 944. A bill to enhance national security, environmental quality, and economic stability by increasing the production of clean, domestically produced renewable energy as a fuel source for the national electric system; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 945. A bill to amend title 37, United States Code, to improve the process for adjusting the rates of pay for members of the uniformed services; to the Committee on Armed Services.

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. FEINGOLD, Mr. KOHL, and Mr. SCHUMER):

S. 946. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

By Mr. ALLARD:

S. 947. A bill to better assist lower income families in obtaining decent, safe, and affordable housing through the conversion of the section 8 housing choice voucher program into a State-administered block grant; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SCHUMER:

S. 948. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN):

S. 949. A bill to establish a commission to assess the military facility structure of the United States overseas, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CORZINE (for himself, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Mrs. MURRAY, and Mr. KENNEDY):

S. Res. 122. A resolution expressing the sense of the Senate that the President should designate May 1, 2003 as "National Child Care Worthy Wage Day"; to the Committee on the Judiciary.

By Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. ALEXANDER, Mr. CARPER, and Mr. BAYH):

S. Res. 123. A resolution designating April 28, 2003, through May 2, 2003, as "National Charter Schools Week", and for other purposes; to the Committee on the Judiciary.

By Mr. BURNS (for himself, Mr. BAUCUS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAPO, Mr. HATCH, Mr. MILLER, Mr. LEVIN, Mr. KOHL, and Mr. STEVENS):

S. Res. 124. A resolution designating September 28, 2003, as "National Good Neighbor Day"; to the Committee on the Judiciary.

By Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. CARPER, and Mr. BAYH):

S. Res. 125. A resolution designating April 28, 2003, through May 2, 2003, as "National Charter Schools Week", and for other purposes; considered and agreed to.

By Mr. BREAUX (for himself and Ms. LANDRIEU):

S. Con. Res. 39. A concurrent resolution supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamamend and the values he represented; considered and agreed to.

ADDITIONAL COSPONSORS

S. 132

At the request of Mr. FEINGOLD, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 132, a bill to place a moratorium on executions by the Federal

Government and urge the States to do the same, while a National Commission on the Death Penalty reviews the fairness of the imposition of the death penalty.

S. 145

At the request of Mr. KYL, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 145, a bill to prohibit assistance to North Korea or the Korean Peninsula Development Organization, and for other purposes.

S. 171

At the request of Mr. DAYTON, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New York (Mr. SCHUMER) were added as cosponsors of S. 171, a bill to amend title XVIII of the Social Security Act to provide payment to medicare ambulance suppliers of the full costs of providing such services, and for other purposes.

S. 243

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 243, a bill concerning participation of Taiwan in the World Health Organization.

S. 300

At the request of Mr. KERRY, the names of the Senator from Louisiana (Ms. LANDRIEU), the Senator from Wisconsin (Mr. KOHL), the Senator from Delaware (Mr. BIDEN), the Senator from Minnesota (Mr. COLEMAN), the Senator from Washington (Mrs. MURRAY), the Senator from Kentucky (Mr. BUNNING), the Senator from Rhode Island (Mr. REED), the Senator from Hawaii (Mr. INOUE), the Senator from Florida (Mr. NELSON), the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. LEVIN), the Senator from Indiana (Mr. LUGAR), the Senator from North Dakota (Mr. DORGAN), the Senator from Montana (Mr. BURNS), the Senator from Pennsylvania (Mr. SPECTER), the Senator from Arkansas (Mr. PRYOR), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from South Carolina (Mr. GRAHAM), the Senator from North Dakota (Mr. CONRAD), the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 300, a bill to award a congressional gold medal to Jackie Robinson (posthumously), in recognition of his many contributions to the Nation, and to express the sense of Congress that there should be a national day in recognition of Jackie Robinson.

S. 318

At the request of Mr. KERRY, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 318, a bill to provide emergency assistance to nonfarm-related small business concerns that have suffered substantial economic harm from drought.

S. 338

At the request of Mr. LAUTENBERG, the names of the Senator from North

Dakota (Mr. CONRAD), the Senator from New York (Mrs. CLINTON) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 338, a bill to protect the flying public's safety and security by requiring that the air traffic control system remain a Government function.

S. 346

At the request of Mr. LEVIN, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 346, a bill to amend the Office of Federal Procurement Policy Act to establish a governmentwide policy requiring competition in certain executive agency procurements.

S. 374

At the request of Mr. GRASSLEY, the name of the Senator from Missouri (Mr. TALENT) was added as a cosponsor of S. 374, a bill to amend the Internal Revenue Code of 1986 to repeal the occupational taxes relating to distilled spirits, wine, and beer.

S. 392

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 392, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive both military retired pay by reason of their years of military service and disability compensation from the Department of Veterans Affairs for their disability.

S. 392

At the request of Mr. REID, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 392, *supra*.

S. 451

At the request of Ms. SNOWE, the names of the Senator from Washington (Mrs. MURRAY) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 451, a bill to amend title 10, United States Code, to increase the minimum Survivor Benefit Plan basic annuity for surviving spouses age 62 and older, to provide for a one-year open season under that plan, and for other purposes.

S. 465

At the request of Mrs. MURRAY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 465, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 473

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 473, a bill to amend the Federal Water Pollution Control Act to clarify the jurisdiction of the United States over waters of the United States.

S. 478

At the request of Mr. SARBANES, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 478, a bill to grant a Federal charter Korean War Veterans Association, Incorporated, and for other purposes.

S. 514

At the request of Mr. BUNNING, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 514, a bill to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits.

S. 516

At the request of Mrs. BOXER, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 516, a bill to amend title 49, United States Code, to allow the arming of pilots of cargo aircraft, and for other purposes.

S. 569

At the request of Mr. ENSIGN, the names of the Senator from Nevada (Mr. REID), the Senator from New Mexico (Mr. BINGAMAN), the Senator from Michigan (Ms. STABENOW), the Senator from Michigan (Mr. LEVIN) and the Senator from Montana (Mr. BURNS) were added as cosponsors of S. 569, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 582

At the request of Mr. BUNNING, the name of the Senator from Ohio (Mr. DEWINE) was added as a cosponsor of S. 582, a bill to authorize the Department of Energy to develop and implement an accelerated research and development program for advanced clean coal technologies for use in coal-based electricity generating facilities and to amend the Internal Revenue Code of 1986 to provide financial incentives to encourage the retrofitting, repowering, or replacement of coal-based electricity generating facilities to protect the environment and improve efficiency and encourage the early commercial application of advanced clean coal technologies, so as to allow coal to help meet the growing need of the United States for the generation of reliable and affordable electricity.

S. 596

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 596, a bill to amend the Internal Revenue Code of 1986 to encourage the investment of foreign earnings within the United States for productive business investments and job creation.

S. 610

At the request of Mr. VOINOVICH, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 610, a bill to amend the provisions of title 5, United States Code, to provide for workforce flexibilities and certain Federal personnel provisions relating to the National Aeronautics and Space Administration, and for other purposes.

S. 617

At the request of Mr. LIEBERMAN, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Vermont (Mr. JEFFORDS) and the Senator from Minnesota (Mr. DAYTON) were added as cosponsors of S. 617, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 623

At the request of Mr. WARNER, the names of the Senator from South Carolina (Mr. GRAHAM) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 623, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 654

At the request of Ms. SNOWE, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 654, a bill to amend title XVIII of the Social Security Act to enhance the access of medicare beneficiaries who live in medically underserved areas to critical primary and preventive health care benefits, to improve the Medicare+Choice program, and for other purposes.

S. 664

At the request of Mr. GRASSLEY, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 664, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit, to increase the rates of the alternative incremental credit, and to provide an alternative simplified credit for qualified research expenses.

S. 678

At the request of Mr. AKAKA, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 678, a bill to amend chapter 10 of title 39, United States Code, to include postmasters and postmasters organizations in the process for the development and planning of certain policies, schedules, and programs, and for other purposes.

S. 727

At the request of Mr. BYRD, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 727, a bill to reauthorize a Department of Energy program to develop and implement accelerated research, development, and demonstration projects for advanced clean coal technologies for use in coal-based electricity generating facilities, to amend the Internal Revenue Code of 1986 to provide incentives for the use of those technologies, and for other purposes.

S. 740

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of

S. 740, a bill to amend title XVIII of the Social Security Act to improve patient access to, and utilization of, the colorectal cancer screening benefit under the medicare program.

S. 759

At the request of Mr. DURBIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 759, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for individuals and businesses for the installation of certain wind energy property.

S. 774

At the request of Ms. SNOWE, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Virginia (Mr. ALLEN) were added as cosponsors of S. 774, a bill to amend the Internal Revenue Code of 1986 to allow the use of completed contract method of accounting in the case of certain long-term naval vessel construction contracts.

S. 780

At the request of Mr. LOTT, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Illinois (Mr. FITZGERALD) were added as cosponsors of S. 780, a bill to award a congressional gold medal to Chief Philip Martin of the Mississippi Band of Choctaw Indians.

S. 789

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 789, a bill to change the requirements for naturalization through service in the Armed Forces of the United States.

S. 816

At the request of Mr. CONRAD, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 816, a bill to amend title XVIII of the Social Security Act to protect and preserve access of medicare beneficiaries to health care provided by hospitals in rural areas, and for other purposes.

S. 818

At the request of Ms. SNOWE, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 818, a bill to ensure the independence and nonpartisan operation of the Office of Advocacy of the Small Business Administration.

S. 822

At the request of Mr. KERRY, the names of the Senator from Michigan (Mr. LEVIN) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 822, a bill to create a 3-year pilot program that makes small, non-profit child care businesses eligible for SBA 504 loans.

S. 825

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 825, a bill to amend the Employee Retirement Income Security Act of 1974 and the Internal Revenue Code of

1986 to protect pension benefits of employees in defined benefit plans and to direct the Secretary of the Treasury to enforce the age discrimination requirements of the Internal Revenue Code of 1986.

S. 837

At the request of Mr. BROWNBACK, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 837, a bill to establish a commission to conduct a comprehensive review of Federal agencies and programs and to recommend the elimination or realignment of duplicative, wasteful, or outdated functions, and for other purposes.

S. 845

At the request of Mr. GRAHAM of Florida, the names of the Senator from New York (Mrs. CLINTON) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 845, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to cover certain legal immigrants under the medicaid and State children's health insurance programs.

S. 853

At the request of Ms. SNOWE, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 853, a bill to amend title XVIII of the Social Security Act to eliminate discriminatory copayment rates for outpatient psychiatric services under the medicare program.

S. 874

At the request of Mr. TALENT, the names of the Senator from Louisiana (Mr. BREAUX) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 874, a bill to amend title XIX of the Social Security Act to include primary and secondary preventive medical strategies for children and adults with Sickle Cell Disease as medical assistance under the medicaid program, and for other purposes.

S. 876

At the request of Mr. WYDEN, the names of the Senator from West Virginia (Mr. BYRD) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 876, a bill to require public disclosure of non-competitive contracting for the reconstruction of the infrastructure of Iraq, and for other purposes.

S. 883

At the request of Mr. BREAUX, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 883, a bill to amend title XIX of the Social Security Act to revise and simplify the transitional medical assistance (TMA) program.

S. 918

At the request of Mr. FEINGOLD, the name of the Senator from New Jersey (Mr. CORZINE) was added as a cosponsor of S. 918, a bill to require the Secretary of Defense to implement fully by September 30, 2004, requirements for addi-

tional Weapons of Mass Destruction Civil Support Teams.

S.J. RES. 1

At the request of Mr. KYL, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States to protect the rights of crime victims.

S. CON. RES. 7

At the request of Mr. SANTORUM, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution expressing the sense of Congress that the sharp escalation of anti-Semitic violence within many participating States of the Organization for Security and Cooperation in Europe (OSCE) is of profound concern and efforts should be undertaken to prevent future occurrences.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS (for himself, Mr. CAMPBELL, Mr. DOMENICI, Mr. HATCH, Mr. INOUE, and Ms. MURKOWSKI):

S. 931. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on visitors to units of the National Park System and on other recreational users of public land; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, today I introduce, with Senators CAMPBELL, DOMENICI, HATCH, INOUE, and MURKOWSKI, the Federal Land Recreational Visitor Protection Act of 2003.

Across our State of Alaska, Western States, and areas of the Northeast, local governments and businesses struggle each year to remove potential avalanches or recover from the disastrous effects of avalanches. The West Wide Avalanche Network calculated avalanche damage totals for the Western U.S. between \$600 thousand and \$800 thousand annually. These costs do not include the economic losses from town cut-off by avalanches. In our state alone, the Safety Center estimates upwards of \$18 million in direct damages both to private property and economic losses over the past 5 years.

While such damage can bring hardships to many local communities, none can compare with the loss of a friend or family member. The U.S. averages 30 deaths a year from avalanches, a majority of which are results of recreational activities in unmitigated avalanche areas. Some States set aside money for rescues prior to the winter season, knowing that the resources required to clear all avalanche threats are not at hand.

This bill brings those resources to the entities that need them the most, enabling us to significantly reduce the effects of avalanches on visitors, recreational users, transportation corridors, and our local communities.

By Mr. BREAUX (for himself, Mr. ENSIGN, Mr. CRAPO, and Mr. BUNNING):

S. 932. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

Mr. BREAUX. Mr. President, today I rise to introduce the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act. This bill upholds a long-held principle in the application of the Federal fuels excise tax, and restores this principle for certain single engine "dual-use" vehicles.

This long-held principle is simple: fuel consumed for the purpose of moving vehicles over the road is taxed, while fuel consumed for "off-road" purposes is not taxed. The tax is designed to compensate for the wear and tear impacts on roads. Fuel used for a non-propulsion "off-road" purpose has no impact on the roads. It should not be taxed as if it does. This bill is based on this principle, and it remedies a problem created by IRS regulations that control the application of the federal fuels excise tax to "dual-use" vehicles.

Dual-use vehicles are vehicles that use fuel both to propel the vehicle on the road, and also to operate separate, on-board equipment. The two prominent examples of dual-use vehicles are concrete mixers, which use fuel to rotate the mixing drum, and sanitation trucks, which use fuel to operate the compactor. Both of these trucks move over the road, but at the same time, a substantial portion of their fuel use is attributable to the non-propulsion function.

The current problem developed because progress in technology has outstripped the regulatory process. In the past, dual-use vehicles commonly had two engines, IRS regulations, written in the 1950's, specifically exempt the portion of fuel used by the separate engine that operates special equipment such as a mixing drum or a trash compactor. These IRS regulations reflect the principle that fuel consumed for non-propulsion purposes is not taxed.

Today, however, typical dual-use vehicles use only one engine. The single engine both propels the vehicle over the road and powers the non-propulsion function through "power takeoff." a major reason for the growth of these single-engine, power takeoff vehicles is that they use less fuel. And a major benefit for everyone is that they are better for the environment.

Power takeoff was not in widespread use when the IRS regulations were drafted, and the regulations deny an exemption for fuel used in single-engine, dual-use vehicles. The IRS defends its distinction between one-engine and two-engine, vehicles based on possible administrative problems if vehicle owners were permitted to allocate fuel between the propulsion and non-propulsion functions.

Our bill is designed to address the administrative concerns expressed by the

IRS, but at the same time, restore tax fairness for fuel-use vehicles with one engine. The bill does this by establishing an annual tax credit available for taxpayers that own a licensed and insured concrete mixer or sanitation truck with a compactor. The amount of the credit is \$250 and is a conservative estimate of the excise taxes actually paid, based on information compiled on typical sanitation trucks and concrete mixers.

In sum, as a fixed income tax credit, no audit or administrative issue will arise about the amount of fuel used for the off-road purpose. At the same time, the credit provides a rough justice method to make sure these taxpayers are not required to pay tax on fuels that they shouldn't be paying. Also, as an income tax credit, the proposal would have no effect on the highway trust fund.

I would like to stress that I believe the IRS' interpretation of the law is not consistent with long-held principles under the tax law, despite their administrative concerns. Quite simply, the law should not condone a situation where taxpayers are required to pay the excise tax on fuel attributable to non-propulsion functions. This bill corrects an unfair tax that should have never been imposed in the first place, I urge my colleagues to cosponsor this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act".

SEC. 2. CREDIT FOR TAXPAYERS OWNING COMMERCIAL POWER TAKEOFF VEHICLES.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by adding at the end the following new section:

"SEC. 45G. COMMERCIAL POWER TAKEOFF VEHICLES CREDIT.

"(a) GENERAL RULE.—For purposes of section 38, the amount of the commercial power takeoff vehicles credit determined under this section for the taxable year is \$250 for each qualified commercial power takeoff vehicle owned by the taxpayer as of the close of the calendar year with or within which the taxable year ends.

"(b) DEFINITIONS.—For purposes of this section—

"(1) QUALIFIED COMMERCIAL POWER TAKEOFF VEHICLE.—The term 'qualified commercial power takeoff vehicle' means any highway vehicle described in paragraph (2) which—

"(A) is propelled by any fuel subject to tax under section 4041 or 4081, and

"(B) is used in a trade or business or for the production of income (and is licensed and insured for such use).

"(2) HIGHWAY VEHICLE DESCRIBED.—A highway vehicle is described in this paragraph if such vehicle is—

"(A) designed to engage in the daily collection of refuse or recyclables from homes or

businesses and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a load compactor, or

"(B) designed to deliver ready mixed concrete on a daily basis and is equipped with a mechanism under which the vehicle's propulsion engine provides the power to operate a mixer drum to agitate and mix the product en route to the delivery site.

"(c) EXCEPTION FOR VEHICLES USED BY GOVERNMENTS, ETC.—No credit shall be allowed under this section for any vehicle owned by any person at the close of a calendar year if such vehicle is used at any time during such year by—

"(1) the United States or an agency or instrumentality thereof, a State, a political subdivision of a State, or an agency or instrumentality of one or more States or political subdivisions, or

"(2) an organization exempt from tax under section 501(a).

"(d) DENIAL OF DOUBLE BENEFIT.—The amount of any deduction under this subtitle for any tax imposed by subchapter B of chapter 31 or part III of subchapter A of chapter 32 for any taxable year shall be reduced (but not below zero) by the amount of the credit determined under this subsection for such taxable year."

(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting ", plus", and by adding at the end the following new paragraph:

"(16) the commercial power takeoff vehicles credit under section 45G(a)."

(c) NO CARRYBACK BEFORE JANUARY 1, 2003.—Subsection (d) of section 39 of the Internal Revenue Code of 1986 (relating to carryback and carryforward of unused credits) is amended by adding at the end the following new paragraph:

"(11) NO CARRYBACK OF SECTION 45G CREDIT BEFORE JANUARY 1, 2003.—No portion of the unused business credit for any taxable year which is attributable to the credit determined under section 45G may be carried back to a taxable year beginning before January 1, 2003."

(d) CLERICAL AMENDMENT.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

"Sec. 45G. Commercial power takeoff vehicles credit."

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending after December 31, 2002.

By Mr. BAUCUS (for himself, Mr. GRASSLEY, and Mr. MCCAIN):

S. 936. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for certain fines, penalties, and other amounts; to the Committee on Finance.

Mr. BAUCUS. Mr. President, today, we are introducing the "Government Settlement Transparency Act of 2003." Over the past several months, we have become increasingly concerned about the approval of various settlements that allow penalty payments made to the government in settlement of a violation or potential violation of the law to be tax deductible. This payment structure shifts the tax burden from the wrongdoer onto the backs of the American people. This is unacceptable.

The issue of tax deductibility is particularly relevant in the settlement of various SEC investigations into violations or potential violations of the securities laws. The corporate meltdown of the past two years has caused investors to lose confidence in the stock market. To address investors' loss of faith, Congress passed the Sarbanes-Oxley Act last July. However, Sarbanes-Oxley begins to address only part of the corporate reform problem, as it applies solely to future corporate activity. To more fully restore confidence in the markets, America's State and Federal regulators are also working to hold accountable the corporate executives and others in corporate America responsible for damaging investor confidence. With these efforts to achieve greater accountability in the business community and ensure the integrity of our financial markets, it is important that the rules governing the appropriate tax treatment of settlements be clear and adhered to by taxpayers.

Section 162(f) of the Internal Revenue Code provides that no deduction is allowed as a trade or business expense under section 162(a) for the payment of a fine or penalty to a government for violation of any law. The enactment of section 162(f) in 1969 codified existing case law that denied the deductibility of fines and penalties as ordinary and necessary business expenses on the grounds that "allowance of the deduction would frustrate sharply defined national or state policies proscribing the particular types of conduct evidenced by some governmental declaration thereof." Treasury regulations provide that fine or penalty includes an amount paid in settlement of the taxpayer's actual or potential liability for a fine or penalty.

The legislation introduced today modifies the rules regarding the determination of whether payments are non-deductible payments of fines or penalties under section 162(f). In particular, the bill generally provides that amounts paid or incurred, whether by suit, agreement, or otherwise to, or at the direction of, a government in relation to the violation of any law or the investigation or inquiry into the potential violation of any law are non-deductible. The bill applies to deny a deduction for any payment, including those where there is no admission of guilt or liability and those made for the purpose of avoiding further investigation or litigation.

An exception applies to payments that the taxpayer establishes are restitution. It is intended that a payment will be treated as restitution only if the payment is required to be paid to the specific persons, or in relation to the specific property, actually harmed by the conduct of the taxpayer that resulted in the payment. Thus, a payment to or with respect to a class broader than the specific persons or property that were actually harmed, for example, to class including similarly situated persons or property, does

not qualify as restitution. Restitution is limited to the amount that bears a substantial quantitative relationship to the harm caused by the past conduct or actions of the taxpayer that resulted in the payment in question. If the party harmed is a government, then restitution includes payment to such harmed government, provided the payment bears a substantial quantitative relationship to the harm. However, restitution does not include reimbursement of government investigative or litigation costs, or do payments to whistleblowers.

The bill would be effective for amounts paid or incurred on or after April 28th, 2003, except that it would not apply to amounts paid or incurred under any binding order or agreement entered into before such date.

We ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 936

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Government Settlement Transparency Act of 2003".

SEC. 2. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 of the Internal Revenue Code of 1986 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government in relation to the violation of any law or the investigation or inquiry into the potential violation of any law.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION.—Paragraph (1) shall not apply to any amount which the taxpayer establishes constitutes restitution for damage or harm caused by the violation of any law or the potential violation of any law. This paragraph shall not apply to any amount paid or incurred as reimbursement to the government for the costs of any investigation or litigation.

"(3) TREATMENT OF CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—For purposes of paragraph (1), amounts paid or incurred to, or at the direction of, the following nongovernmental entities shall be treated as amounts paid or incurred to, or at the direction of, a government:

"(A) Any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)).

"(B) To the extent provided in regulations, any nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function."

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts paid or incurred after April 27, 2003, except that such amendment shall not apply to amounts paid or incurred under any binding

order or agreement entered into on or before April 27, 2003. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained on or before April 27, 2003.

By Mr. HAGEL (for himself, Mr. HARKIN, Mr. WARNER, Mr. CHAFFEE, Ms. COLLINS, Ms. SNOWE, Mr. COLEMAN, Mr. KENNEDY, Mr. JEFFORDS, Mr. DODD, Ms. MIKULSKI, Mrs. CLINTON, Mrs. MURRAY, Mr. BINGAMAN, and Mr. REED.):

S. 939. A bill to amend part B of the individuals with Disabilities Education Act to provide full Federal funding of such part, to provide an exception to the local maintenance of effort requirements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 939

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "IDEA Full-Funding Act of 2003".

SEC. 2. AMENDMENTS TO IDEA.

(a) FUNDING.—Section 611(j) of the Individuals with Disabilities Education Act (20 U.S.C. 1411(j)) is amended to read as follows:

"(j) FUNDING.—For the purpose of carrying out this part, other than section 619, there are authorized to be appropriated—

"(1) \$10,874,000,000 for fiscal year 2004, and, there are hereby appropriated \$2,000,000,000 for fiscal year 2004, which shall become available for obligation on July 1, 2004 and shall remain available through September 30, 2005;

"(2) \$12,874,000,000 for fiscal year 2005, and, there are hereby appropriated \$4,000,000,000 for fiscal year 2005, which shall become available for obligation on July 1, 2005 and shall remain available through September 30, 2006;

"(3) \$14,874,000,000 for fiscal year 2006, and, there are hereby appropriated \$6,000,000,000 for fiscal year 2006, which shall become available for obligation on July 1, 2006 and shall remain available through September 30, 2007;

"(4) \$16,874,000,000 for fiscal year 2007, and, there are hereby appropriated \$8,000,000,000 for fiscal year 2007, which shall become available for obligation on July 1, 2007 and shall remain available through September 30, 2008;

"(5) \$18,874,000,000 for fiscal year 2008, and, there are hereby appropriated \$10,000,000,000 for fiscal year 2008, which shall become available for obligation on July 1, 2008 and shall remain available through September 30, 2009;

"(6) \$20,874,000,000 for fiscal year 2009, and, there are hereby appropriated \$12,000,000,000 for fiscal year 2009, which shall become available for obligation on July 1, 2009 and shall remain available through September 30, 2010;

"(7) \$22,874,000,000 for fiscal year 2010, and, there are hereby appropriated \$14,000,000,000 for fiscal year 2010, which shall become available for obligation on July 1, 2010 and shall remain available through September 30, 2011;

"(8) \$24,635,000,000 or the sum of the maximum amounts that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2011, and, there are hereby appropriated \$15,761,000,000 for fiscal year 2011, which shall become available for obligation on July 1, 2011 and shall remain available through September 30, 2012, except that if the sum of the maximum amounts that all States may receive under subsection (a)(2) is less than \$24,635,000,000, then the amount appropriated in this paragraph shall be reduced by the difference between \$24,635,000,000 and the sum of the maximum amounts that all States may receive under subsection (a)(2);

"(9) \$25,329,000,000 or the sum of the maximum amounts that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2012, and, there are hereby appropriated \$16,455,000,000 for fiscal year 2012, which shall become available for obligation on July 1, 2012 and shall remain available through September 30, 2013, except that if the sum of the maximum amounts that all States may receive under subsection (a)(2) is less than \$25,329,000,000, then the amount appropriated in this paragraph shall be reduced by the difference between \$25,329,000,000 and the sum of the maximum amounts that all States may receive under subsection (a)(2);

"(10) \$26,005,000,000 or the sum of the maximum amounts that all States may receive under subsection (a)(2), whichever is lower, for fiscal year 2013, and, there are hereby appropriated \$17,131,000,000 for fiscal year 2013, which shall become available for obligation on July 1, 2013 and shall remain available through September 30, 2014, except that if the sum of the maximum amounts that all States may receive under subsection (a)(2) is less than \$26,005,000,000, then the amount appropriated in this paragraph shall be reduced by the difference between \$26,005,000,000 and the sum of the maximum amounts that all States may receive under subsection (a)(2); and

"(11) such sums as may be necessary for fiscal year 2014 and each succeeding fiscal year."

(b) EXCEPTION TO THE LOCAL MAINTENANCE OF EFFORT REQUIREMENTS.—Section 613(a)(2)(B) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)(B)) is amended to read as follows:

"(B) EXCEPTION.—Notwithstanding the restriction in subparagraph (A)(iii), a local educational agency may reduce the level of expenditures, for 1 fiscal year at a time, if—

"(i) the State educational agency determines, and the Secretary agrees, that the local educational agency is in compliance with the requirements of this part during that fiscal year (or, if appropriate, the preceding fiscal year); and

"(ii) such reduction is—

"(I) attributable to the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;

"(II) attributable to a decrease in the enrollment of children with disabilities;

"(III) attributable to the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child—

"(aa) has left the jurisdiction of the agency;

"(bb) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

"(cc) no longer needs such program of special education;

"(IV) attributable to the termination of costly expenditures for long-term purchases,

such as the acquisition of equipment or the construction of school facilities; or

“(V) equivalent to the amount of Federal funding the local educational agency receives under this part for a fiscal year that exceeds the amount the agency received under this part for the preceding fiscal year, but only if these reduced funds are used for any activity that may be funded under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.).”.

(c) REPEAL.—Section 613(a)(2) of the Individuals with Disabilities Education Act (20 U.S.C. 1413(a)(2)) is further amended—

- (1) by striking subparagraph (C);
- (2) by redesignating subparagraph (D) as subparagraph (C); and
- (3) in subparagraph (A)(iii), by striking “paragraphs (B) and (C)” and inserting “paragraph (B)”.

Mr. HARKIN. Mr. President, today, Senator HAGEL and I, and others introduce “The IDEA Full Funding Act of 2003.” This bill will provide increased mandatory funding for the Individuals with Disabilities Education Act, IDEA, and meet the Federal Government’s commitment to pay 40 percent of the average per pupil expenditures. These additional funds will ensure that every child with a disability gets a free, appropriate public education.

In 1975, when the IDEA was passed in the House and Senate, there was an agreement made by negotiators based on the understanding that the Federal Government’s goal would be to provide 40 percent of the average per pupil expenditures in each local education area. There was no time frame placed on this goal, but since that time it has been understood that “full funding” for IDEA means reaching that 40 percent goal.

For the past 28 years, we have put additional resources into IDEA but we have not come close to full funding. This bill will put our money where our mouth is and say that the federal government will be full partners with states and local governments in meeting the needs of children with disabilities.

This bill fully funds the IDEA. It appropriates funds for the next 10 years, gradually increasing the percentage of funds which are mandatory and increasing the amounts so that in year 8 we are at the level projected to equal 40 percent of the average per pupil expenditure. While we have seen welcome increases in IDEA spending over the past few years, past year increases do not guarantee future increases. This bill guarantees full funding, phased in over 8 years.

This bill does not create a new entitlement program. It provides advanced appropriations for the next 10 years, but it has a set amount for each year, not an open-ended figure.

This bill also provides incentive for compliance with the requirements of IDEA. If all of the IDEA-eligible children are getting the services that they are entitled to, then local property taxpayers get relief.

Last year, the Senate passed an amendment to the reauthorization of

the Elementary and Secondary Education Act which would have required full funding of IDEA. The full funding provision was not in the final conference report. Prior to that amendment, there have been 22 separate bills and resolutions in the House and Senate calling for full funding.

This year, the time has come for full funding to make it into law. It has been 28 years since the Federal Government agreed to pay a share of IDEA and it is time to meet that goal.

The IDEA has been remarkably successful. In 1975, only 1/5 of children with disabilities received a formal education and several States had laws specifically excluding many children with disabilities, including those who were blind, deaf, or had mental health needs from receiving such an education. The most recent data on the number of children served under IDEA indicates that over 6 million children are currently benefiting from the law.

Although IDEA has been successful, there is more work to be done. Every time I speak to school districts in Iowa, they tell me that the costs of special education are very difficult for them to manage. Some parents of children with disabilities also complain that their children are not getting the education promised by IDEA.

This bill will provide significant additional resources. In 2003, we are funding 17.6 percent of the cost at 8.8 billion dollars. Under our bill, this number rises steeply to 22 percent of the cost and 10.8 billion dollars in 2004. The increases continue until 2011, when we reach 40 percent and an expenditure of 24.6 billion. Iowa sees its funding rise from 96 million in 2003 to 278.3 million in 2011. We are more than doubling the resources going to special education in Iowa and elsewhere.

I want to thank Senator HAGEL for his ongoing leadership on this issue and for his work in achieving bipartisan support for this bill. I also want to thank Senators KENNEDY, JEFFORDS and DODD for their longstanding commitment to fully funding IDEA. In addition, I want to acknowledge all of the co-sponsors of this bill, who are joining me today in leading the way for Congress to finally pass full funding into law.

This is a win-win-win bill. With this advance appropriations, students with disabilities will get the public education they have a right to, school districts will be able to provide services without cutting into their general education budgets, and in cases where all IDEA-eligible children are getting the services they are entitled to, property taxpayers get relief.

Ms. MIKULSKI. Mr. President, I rise in support of the IDEA Full Funding Act of 2003. I’m so proud to cosponsor this important legislation. This bill provides mandatory increases for IDEA funding each year, so that the Federal Government will be paying its full share of the cost of special education by 2011. This legislation is long over-

due. I think it’s shocking that the President is fighting for tax breaks for zillionaires while delaying help for those who need it most—the children with special needs and their parents and teachers. We must fully fund IDEA to ensure that children with disabilities are receiving the services they need to succeed with their classmates in public schools.

In 1975, Congress promised to pay 40 percent of the cost of special education when it passed the Individuals with Disabilities Education Act. Yet it has never paid more than 17.5 percent. That means local districts must make up the difference, either by cutting from other education programs or by raising taxes. I don’t want to force States and local school districts to forage for funds, cut back on teacher training, or delay school repairs because the Federal Government has failed to live up to its commitment to special education. That’s why fully funding IDEA is one of my top priorities.

Everywhere I go in Maryland, I hear about IDEA. I hear about it in urban, rural, and suburban communities, from Democrats and Republicans, and from parents and teachers. They tell me that the Federal Government is not living up to its promise, that special education costs about 18 percent of the average school budget, that schools are suffering, and the parents are worried.

Parents today are under a lot of stress—sometimes working two jobs just to make ends meet, trying to find day care for their kids, and elder care for their own parents. The Federal Government shouldn’t add to their worries by not living up to its obligations. With the Federal Government not paying its share of special ed these parents have real questions in their minds: Will my child will have a good teacher? Will the classes have up-to-date textbooks? Will they be learning what they need to know?

Parents of disabled children face such a tough burden already. School should not be one of the many things they have to worry about, particularly when the laws are already on the books to guarantee their child a public school education. The bottom line is that the Federal Government is shortchanging these parents by not paying its share of special ed costs.

This bill will give local governments the resources they need to improve education for all children. It will free up money in local budgets for hiring more teachers, buying new textbooks and technology, and repairing old school buildings. It will help the teachers who struggle with teaching the toughest students. It will help students with disabilities and their families by providing enough funding for special education programs so parents can have one less thing to worry about, and students get the opportunities they deserve.

Full funding of IDEA is essential. It will give disabled children a chance to succeed in school and in life without

shortchanging other vital education programs. It will give parents peace of mind about their children's education. Let's pass this bill as soon as possible.

By Mr. GRAHAM of South Carolina:

S. 940. A bill to amend the Immigration and Nationality Act relating to naturalization through service in the Armed Forces of the United States; to the Committee on the Judiciary.

Mr. GRAHAM of South Carolina. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Armed Forces Citizenship Act of 2003".

SEC. 2. NATURALIZATION THROUGH SERVICE IN THE ARMED FORCES OF THE UNITED STATES.

(a) MINIMUM PERIOD OF SERVICE ELIMINATED.—Section 328(a) of the Immigration and Nationality Act (8 U.S.C. 1439(a)) is amended by striking "for a period or periods aggregating three years,".

(b) PROHIBITION ON IMPOSITION OF FEES RELATING TO NATURALIZATION.—Section 328(b) of the Immigration and Nationality Act (8 U.S.C. 1439(b)) is amended—

(1) in paragraph (3)—

(A) by striking "honorable. The" and inserting "honorable (the)"; and

(B) by striking "discharge." and inserting "discharge); and"; and

(2) by adding at the end the following:

"(4) notwithstanding any other provision of law, no fee shall be charged or collected from the applicant for filing an application under subsection (a) or for the issuance of a certificate of naturalization upon citizenship being granted to the applicant, and no clerk of any State court shall charge or collect any fee for such services unless the laws of the State require such charge to be made, in which case nothing more than the portion of the fee required to be paid to the State shall be charged or collected."

(c) CONDUCT OF NATURALIZATION PROCEEDINGS OVERSEAS FOR MEMBERS OF THE ARMED FORCES OF THE UNITED STATES.—Notwithstanding any other provision of law, the Secretary of Homeland Security, the Secretary of State, and the Secretary of Defense shall ensure that any applications, interviews, filings, oaths, ceremonies, or other proceedings under title III of the Immigration and Nationality Act (8 U.S.C. 1401 et seq.) relating to naturalization of members of the Armed Forces are available through United States embassies, consulates, and as practicable, United States military installations overseas.

(d) REVOCATION OF CITIZENSHIP FOR SEPARATION FROM MILITARY SERVICE UNDER OTHER THAN HONORABLE CONDITIONS.—Section 328 of the Immigration and Nationality Act (8 U.S.C. 1439) is amended by adding at the end the following:

"(f) Citizenship granted pursuant to this section may be revoked in accordance with section 340 if at any time subsequent to naturalization the person is separated from the military, air, or naval forces under other than honorable conditions, and such ground for revocation shall be in addition to any other provided by law. The fact that the nat-

uralized person was separated from the service under other than honorable conditions shall be proved by a duly authenticated certification from the executive department under which the person was serving at the time of separation."

(e) TECHNICAL AND CONFORMING AMENDMENT.—Section 328(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1439(b)(3)) is amended by striking "Attorney General" and inserting "Secretary of Homeland Security".

By Mr. BROWNBAC (for himself and Mr. NELSON of Nebraska):

S. 942. A bill to amend title XVIII of the Social Security Act to provide for improvements in access to services in rural hospitals and critical access hospitals; to the Committee on Finance.

Mr. BROWNBAC. Mr. President, rural America has been depopulating at an alarming rate. The same is true for the rural counties in Kansas. In fact, over half of the counties in the State are losing population.

We are going to stop that trend.

Senators, like BEN NELSON and I, who grew up in small towns know a little secret. Rural America is a great place to live. However, for rural towns to compete with urban areas for talented young people, they have to be able to provide the basics—like high quality health care.

For the hospitals represented here today to be able to provide high quality health care for rural America, they have to be able to count on Medicare for fair reimbursement. For quite a few hospitals in Kansas, 70 and 80 percent of their caseload is paid for by Medicare. For the communities these hospitals serve, fair Medicare reimbursement is vitally important.

Unfortunately, much of the regulation that comes out of CMS is based on economics of scale. The actuaries and accountants in Baltimore produce payment systems and formulas for reimbursement. The assumption is that the hospitals that are the most efficient will be the most successful. Unfortunately, efficiency is often a product of volume. If you treat 5,000 stroke patients in a year, you are probably going to be more efficient than if you treat only 5.

Efficiency is a laudable goal, but it shouldn't be the only goal of Medicare. Particularly, when it comes to providing health care in a hospital with fewer than 50 beds.

That is why Senator NELSON and I are introducing the "Rural Community Hospital Assistance Act of 2003." Rather than rely on formulas calculated by CMS bureaucrats in Baltimore, the hospitals covered under our bill will rely on cost-based reimbursement. In addition, the bill recognizes that these hospitals don't have the volume to cover bad debt from patients and to keep up with growing demands for new technology and infrastructure.

This bill will create a new Rural Community Hospital designation within Medicare for rural hospitals with fewer than 50 beds.

These hospitals will be eligible for cost-based reimbursement for inpa-

tient and outpatient services; a technology and infrastructure add on; cost based reimbursement for home health services where the provider is isolated; cost based reimbursement for ambulance services; and the restoration of Medicare bad debt payments at 100 percent.

And the cost of the bill, which we believe will stabilize health care in rural America, is less than 1/2 of 1 percent of annual Medicare expenditures.

This is an important bill for rural hospitals; and I don't think you can overestimate the importance of rural hospitals to the communities they serve.

Mr. NELSON of Nebraska. Mr. President, today I join Senator BROWNBAC in introducing the Rural Community Hospital Assistance Act. This legislation is intended to ensure the future of small rural hospitals by restructuring the way they are reimbursed for Medicare services by basing the reimbursements on actual costs instead of the current pre-set cost structure.

Current law allows for very small hospitals—designated Critical Access Hospitals, CAH, to receive cost-based Medicare reimbursements. To qualify as a CAH the facility must have no more than 15 acute care beds.

In rural communities, hospital facilities that are slightly larger than the 15 bed limit share with Critical Access Hospitals the same economic conditions, the same treatment challenges, the same disparity in coverage area but do not share the same reimbursement arrangement. These rural hospitals have to compete with larger urban-based hospitals that can perform the same services at drastically reduced costs. They are also discouraged from investing in technology and other methods to improve the quality of care in their communities because those investments are not supported by Medicare reimbursement procedures.

The legislation would provide cost-based Medicare reimbursement by creating a new "rural" designation under the Medicare reimbursement system. This new designation would benefit seven Nebraska hospitals. Hospitals in McCook, Alliance, Broken Bow, Beatrice, Columbus, Holdrege and Lexington would fall under this new designation, and would have similar benefits provided to nearly sixty other Nebraska hospitals classified under the CAH system.

The legislation would also improve the hospitals with critical access status. Nearly sixty existing CAH facilities in Nebraska already receive cost-based reimbursements for inpatient and outpatient services. The legislation would further assist these existing CAH facilities by allowing them a return on equity for technology and infrastructure investments and by extending the cost-based reimbursement to certain post-acute services.

Rural hospitals cannot continue to provide these services without having Medicare cover the costs. If something

is not done, the larger hospitals may be forced to cut back on the number of beds they keep—and the number of people they care for, and others may be forced to close their doors. These hospitals provide jobs, good wages, health care and economic development opportunity for these communities. Without access to these hospitals, these communities would not survive. The Rural Community Hospital Assistance Act will ensure that the community has access to high quality health care that is affordable to the patient and the provider.

By Mr. JEFFORDS (for himself, Mr. DURBIN, Mr. REID, and Mr. KERRY):

S. 944. A bill to enhance national security, environmental quality, and economic stability by increasing the production of clean, domestically produced renewable energy as a fuel source for the national electric system; to the Committee on Energy and Natural Resources.

Mr. JEFFORDS. Mr. President, I rise today to introduce, along with Senators DURBIN, REID, and KERRY, the "Renewable Energy Investment Act of 2003."

This legislation will guarantee that by the year 2020, twenty percent of our electricity will be produced from renewable energy resources. These resources include wind, biomass, solar, ocean, geothermal and landfill gas.

Again and again, I have heard members come to this floor and say how important renewable energy is to our environment, to our national security, and to our domestic economic stability. I agree. But if we want to achieve these great benefits, we must, as they say, "put our money where our mouth is." It is time to pass realistic, achievable standards to guarantee that renewable energy is produced.

The Renewable Energy Investment Act of 2003 is a very important step in that direction. It will create a renewable portfolio standard or "RPS" under which utilities and others who supply electricity to retail consumers will be required to ensure that by the year 2020, twenty percent of our domestic electricity is generated from renewable energy sources. The RPS in this legislation provides a flexible, market-driven system of tradeable credits by which utilities can readily achieve these renewable energy requirements.

Why twenty percent by 2020? Because the U.S. Department of Energy, through its Energy Information Administration, has repeatedly indicated that requiring that twenty percent of our electricity come from renewable energy by the year 2020 will actually lower overall consumer energy costs, while at the same time achieving tremendous environmental benefits.

According to the most recent estimates derived from the Department of Energy, consumer electricity prices under a twenty percent renewable portfolio standard would be largely the

same as without one. According to the Department of Energy, retail electricity costs by the year 2020 without an RPS would be 6.5 cents per kilowatt hour. If a 20 percent RPS is in effect, retail electricity costs would be approximately 6.7 cents per kilowatt hour.

However, the Department of Energy studies also indicate that because an RPS creates a more diverse and competitive market for energy supply, overall domestic consumer energy costs will actually decrease by almost nine percent.

Equally important, shifting to greater renewable energy production will have dramatic impacts on human health and the environment. The Department of Energy has found that, as demand for energy grows, without changes to Federal law U.S. carbon emissions will increase forty seven percent above the 1990 level by 2020. However, with a twenty percent renewables standard, U.S. carbon dioxide emissions will decrease by more than eighteen percent by 2020.

Electricity production, primarily from burning coal, is the source of an estimated sixty six percent of sulfur oxide, SO_x, emissions. These chemicals are the main cause of acid rain, which kills rivers and lakes, and damages crops and buildings. Burning fossil fuels to produce electricity also emits nitrogen oxides, NO_x, which cause health-damaging smog. Ground-level ozone caused by nitrogen oxide contributes to asthma, bronchitis and other respiratory problems.

Electricity produced from nuclear power, while not responsible for the emissions associated with burning of fossil fuels, results in highly toxic, and essentially permanent wastes for which no complete disposal option currently exists.

Switching to renewable resources virtually eliminates these concerns. The Renewable Energy Investment Act of 2003 will help reduce emissions of carbon dioxide, sulfur dioxide, nitrogen dioxide, mercury and particulate matter, without creation of toxic wastes.

The twenty percent RPS established in this legislation will also create thousands of new, high quality jobs and bring significant new investment to rural communities. It will create an estimated \$80 million in new capitol investment, and result in more than \$5 billion in new property tax revenues.

It will bring increased diversity to our energy sector, creating greater market stability and reducing the price spikes that so often plague our domestic natural gas markets.

Greater diversity also reduces the vulnerability of our energy infrastructure to terrorist threats.

In a letter to Congress shortly after the attacks of September 11, 2001, several national security experts endorsed congressional passage of an RPS. The letter, signed by former CIA director James Woolsey; former National Security Advisor to President Reagan, Rob-

ert McFarlane; and former Chairman of the Joint Chiefs of Staff, Thomas Moorer, stated that a strong RPS is an important component of addressing the significant challenges to America's new energy security.

Rapidly increasing the production of renewable energy is vital to America's future. We must be willing to take the steps necessary to make that happen. The Renewable Energy Investment Act of 2003 is an essential part of that goal and I urge my colleagues to join with me in supporting this important legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 944

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Renewable Energy Investment Act of 2003."

SEC. 2. DEFINITIONS.

In this Act:

(1) BIOMASS.—

(A) IN GENERAL.—The term "biomass" means—

(i) organic material from a plant that is planted for the purpose of being used to produce energy;

(ii) nonhazardous, cellulosic or agricultural waste material that is segregated from other waste materials and is derived from—

(I) a forest-related resource, including—

(aa) mill and harvesting residue;

(bb) precommercial thinnings;

(cc) slash; and

(dd) brush;

(II) an agricultural resource, including—

(aa) orchard tree crops;

(bb) vineyards;

(cc) grains;

(dd) legumes;

(ee) sugar; and

(ff) other crop byproducts or residues; or

(III) miscellaneous waste such as—

(aa) waste pallet;

(bb) crate; and

(cc) landscape or right-of-way tree trimmings; and

(iii) animal waste that is converted to a fuel rather than directly combusted, the residue of which is converted to a biological fertilizer, oil, or activated carbon.

(B) EXCLUSIONS.—The term "biomass" does not include—

(i) incineration of municipal solid waste;

(ii) recyclable postconsumer waste paper;

(iii) painted, treated, or pressurized wood;

(iv) wood contaminated with plastic or metal; or

(v) tires.

(2) DISTRIBUTED GENERATION.—The term "distributed generation" means reduced electricity consumption from the electric grid due to use by a customer of renewable energy generated at a customer site.

(3) INCREMENTAL HYDROPOWER.—The term "incremental hydropower" means additional generation achieved from increased efficiency after January 1, 2003, at a hydroelectric dam that was placed in service before January 1, 2003.

(4) LANDFILL GAS.—The term "landfill gas" means gas generated from the decomposition of household solid waste, commercial solid waste, or industrial solid waste disposed of in a municipal solid waste landfill unit (as

those terms are defined in regulations promulgated under subtitle D of the Solid Waste Disposal Act (42 U.S.C. 6941 et seq.).

(5) **RENEWABLE ENERGY.**—The term “renewable energy” means electricity generated from—

- (A) a renewable energy source; or
- (B) hydrogen that is produced from a renewable energy source.

(6) **RENEWABLE ENERGY SOURCE.**—The term “renewable energy source” means—

- (A) wind;
- (B) ocean waves;
- (C) biomass;
- (D) solar sources;
- (E) landfill gas;
- (F) incremental hydropower; or
- (G) a geothermal source.

(7) **RETAIL ELECTRIC SUPPLIER.**—The term “retail electric supplier”, with respect to any calendar year, means a person or entity that—

- (A) sells retail electricity to consumers; and
- (B) sold not less than 500,000 megawatt-hours of electric energy to consumers for purposes other than resale during the preceding calendar year.

(8) **SECRETARY.**—The term “Secretary” means the Secretary of Energy.

SEC. 3. RENEWABLE ENERGY GENERATION STANDARDS.

(a) **RENEWABLE ENERGY CREDITS.**—

(1) **IN GENERAL.**—For each calendar year beginning in calendar year 2006, each retail electric supplier shall submit to the Secretary, not later than April 30 of each year, renewable energy credits in an amount equal to the required annual percentage of the retail electric supplier's total amount of kilowatt-hours of nonhydropower electricity sold to consumers during the previous calendar year.

(2) **CARRYOVER OF RENEWABLE ENERGY CREDITS.**—A renewable energy credit for any year that is not used to satisfy the minimum requirement for that year may be carried over for use within the next 2 years.

(b) **REQUIRED ANNUAL PERCENTAGE.**—Of the total amount of nonhydropower electricity sold by each retail electric supplier during a calendar year, the amount generated by renewable energy sources shall be not less than the percentage specified below:

Calendar year:	Percentage of Renewable energy each year:
2006-2009	5
2010-2014	10
2015-2019	15
2020 and subsequent years	20.

(c) **SUBMISSION OF RENEWABLE ENERGY CREDITS.**—

(1) **IN GENERAL.**—To meet the requirements under subsection (a), a retail electric supplier shall submit to the Secretary—

- (A) renewable energy credits issued to the retail electric supplier under subsection (e);
- (B) renewable energy credits obtained by purchase or exchange under subsection (f);
- (C) renewable energy credits purchased from the United States under subsection (g); or

(D) any combination of renewable energy credits obtained under subsections (e), (f), and (g).

(2) **NO DOUBLE COUNTING.**—A renewable energy credit may be counted toward compliance with subsection (a) only once.

(d) **RENEWABLE ENERGY CREDIT PROGRAM.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to issue, monitor the sale or exchange of, and track renewable energy credits.

(e) **ISSUANCE OF RENEWABLE ENERGY CREDITS.**—

(1) **APPLICATION.**—

(A) **IN GENERAL.**—Under the program established under subsection (d), an entity that generates electric energy through the use of a renewable energy resource may apply to the Secretary for the issuance of renewable energy credits.

(B) **CONTENTS.**—An application under subparagraph (A) shall indicate—

- (i) the type of renewable energy resource used to produce the electric energy;
- (ii) the State in which the electric energy was produced; and
- (iii) any other information that the Secretary determines to be appropriate.

(2) **ISSUANCES.**—

(A) **IN GENERAL.**—Except as provided in subparagraph (C), the Secretary shall issue to an entity applying under this subsection 1 renewable energy credit for each kilowatt-hour of renewable energy generated in any State from the date of enactment of this Act and in each subsequent calendar year.

(B) **VESTING.**—A renewable energy credit will vest with the owner of the system or facility that generates the renewable energy unless the owner explicitly transfers the renewable energy credit.

(C) **AMOUNT.**—The Secretary shall issue 3 renewable energy credits for each kilowatt-hour of distributed generation.

(3) **ELIGIBILITY.**—

(A) **IN GENERAL.**—To be eligible for a renewable energy credit, the unit of electricity generated through the use of a renewable energy resource shall be sold for retail consumption or used by the generator.

(B) **ENERGY GENERATED FROM A COMBINATION OF SOURCES.**—If both a renewable energy resource and a nonrenewable energy resource are used to generate the electric energy, the Secretary shall issue renewable energy credits based on the proportion of the renewable energy resource used.

(C) **IDENTIFICATION OF TYPE AND DATE.**—The Secretary shall identify renewable energy credits by the type and date of generation.

(4) **SALE UNDER CONTRACT UNDER PURPA.**—In a case in which a generator sells electric energy generated through the use of a renewable energy resource to a retail electric supplier under a contract subject to section 210 of the Public Utilities Regulatory Policies Act of 1978 (16 U.S.C. 824a-3), the retail electric supplier shall be treated as the generator of the electric energy for the purposes of this Act for the duration of the contract.

(f) **SALE OR EXCHANGE OF RENEWABLE ENERGY CREDITS.**—

(1) **IN GENERAL.**—A renewable energy credit may be sold or exchanged by the entity issued the renewable energy credit or by any other entity that acquires the renewable energy credit.

(2) **MANNER OF SALE.**—A renewable energy credit may be sold or exchanged in any manner not in conflict with existing law, including on the spot market or by contractual arrangements of any duration.

(g) **PURCHASE FROM THE UNITED STATES.**—

(1) **IN GENERAL.**—The Secretary shall offer renewable energy credits for sale at the lesser of 3 cents per kilowatt-hour or 110 percent of the average market value of renewable energy credits for the applicable compliance period.

(2) **ADJUSTMENT FOR INFLATION.**—On January 1 of each year following calendar year 2006, the Secretary shall adjust for inflation the price charged per renewable energy credit for the calendar year.

(h) **STATE PROGRAMS.**—Nothing in this section precludes any State from requiring additional renewable energy generation in the State under any renewable energy program conducted by the State not in conflict with this Act.

(i) **CONSUMER ALLOCATION.**—

(1) **RATES.**—The rates charged to classes of consumers by a retail electric supplier shall reflect a proportional percentage of the cost of generating or acquiring the required annual percentage of renewable energy under subsection (a).

(2) **REPRESENTATIONS TO CUSTOMERS.**—A retail electric supplier shall not represent to any customer or prospective customer that any product contains more than the percentage of eligible resources if the additional amount of eligible resources is being used to satisfy the renewable generation requirement under subsection (a).

(j) **ENFORCEMENT.**—

(1) **IN GENERAL.**—A retail electric supplier that does not submit renewable energy credits as required under subsection (a) shall be liable for the payment of a civil penalty.

(2) **AMOUNT.**—The amount of a civil penalty under paragraph (1) shall be calculated on the basis of the number of renewable energy credits not submitted, multiplied by the lesser of 4.5 cents or 300 percent of the average market value of renewable energy credits for the compliance period.

(k) **INFORMATION COLLECTION.**—The Secretary may collect the information necessary to verify and audit—

(1) the annual electric energy generation and renewable energy generation of any entity applying for renewable energy credits under this section;

(2) the validity of renewable energy credits submitted by a retail electric supplier to the Secretary; and

(3) the quantity of electricity sales of all retail electric suppliers.

(l) **VOLUNTARY PARTICIPATION.**—The Secretary may issue a renewable energy credit under subsection (e) to any entity not subject to the requirements of this Act only if the entity applying for the renewable energy credit meets the terms and conditions of this Act to the same extent as entities subject to this Act.

SEC. 4. STATE RENEWABLE ENERGY GRANT PROGRAM.

(a) **DISTRIBUTION OF AMOUNTS.**—The Secretary shall distribute amounts received from sales under subsection 3(h) and from amounts received under subsection 3(k) to States to be used for the purposes of this section.

(b) **PROGRAM.**—

(1) **IN GENERAL.**—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a program to promote State renewable energy production and use.

(2) **USE OF FUNDS.**—The Secretary shall make funds available under this section to State energy agencies for grant programs for—

(A) renewable energy research and development;

(B) loan guarantees to encourage construction of renewable energy facilities;

(C) consumer rebate or other programs to offset costs of small residential or small commercial renewable energy systems including solar hot water; or

(D) promotion of distributed generation.

(c) **PREFERENCE.**—In allocating funds under the program, the Secretary shall give preference to—

(1) States that have a disproportionately small share of economically sustainable renewable energy generation capacity; and

(2) State grant programs that are most likely to stimulate or enhance innovative renewable energy technologies.

By Mr. MCCAIN:

S. 945. A bill to amend title 37, United States Code, to improve the process for adjusting the rates of pay for members of the uniformed services; to the Committee on Armed Services.

Mr. MCCAIN. Mr. President, I am proud to sponsor the Military Pay Comparability Act of 2003. In 1999, the Committee on Armed Services passed landmark legislation providing significant benefits to the entire Total Force. I believe we must improve upon this legislation so that we not only eliminate "pay comparability gap," but ensure that we do not recreate one in the future.

Under the 1999 legislation, military raises will exceed growth in the ECI by one-half percent per year through fiscal year 2006. However, starting in 2007, military raises will revert to being capped one-half percentage point below the ECI.

As a former ranking member and long-time member on the Personnel Subcommittee when Senator John Glenn was the chairman, my experience with capping military raises below ECI during the last three decades shows that such caps inevitably lead to significant retention problems among second-term and career service members.

Those retention problems cost our Nation more in the long run in terms of lost military experience, decreased readiness, and increased training costs. Since military pay was last comparable with private sector pay in 1982, military pay raises have lagged a cumulative 6.4 percent behind private sector wage growth—although recent efforts of the executive and legislative branches have reduced the gap significantly from its peak of 13.5 percent in 1999. Our efforts in 1999 increased pay raises, reformed the pay tables, took nearly 12,000 service members off of food stamps, and established a military Thrift Savings Plan.

We have to improve upon the 1999 law to ensure future raises track to civilian pay growth so we don't fall back into pay caps that will get us back in the negative retention/readiness cycle. Subsequent raises after 2006 must sustain full comparability with increases in the ECI. A key principal of the all volunteer force, AVF, is that military pay raises must match private sector pay growth, as measured by ECI. Our action in this area will send a strong message of support to our service men and women and their families that will continue to promote high morale, better quality-of-life, and a more ready military force.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 945

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REVISED ANNUAL PAY ADJUSTMENT PROCESS.

(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Subsection (a) of section 1009 of title 37, United States Code, is amended to read as follows:

"(a) REQUIREMENT FOR ANNUAL ADJUSTMENT.—Effective on January 1 of each year,

the rates of basic pay for members of the uniformed services under section 203(a) of this title shall be increased under this section."

(b) EFFECTIVENESS OF ADJUSTMENT.—Subsection (b) of such section is amended by striking "shall—" and all that follows and inserting "shall have the force and effect of law."

(c) PERCENTAGE OF ADJUSTMENT.—Subsection (c) of such section is amended to read as follows:

"(c) EQUAL PERCENTAGE INCREASE FOR ALL MEMBERS.—(1) Subject to subsection (d), an adjustment made under this section in a year shall provide all eligible members with an increase in the monthly basic pay that is the percentage (rounded to the nearest one-tenth of 1 percent) by which the ECI for the base quarter of the year before the preceding year exceeds the ECI for the base quarter of the second year before the preceding calendar year (if at all).

"(2) Notwithstanding paragraph (1), but subject to subsection (d), the percentage of the adjustment taking effect under this section during each of fiscal years 2004, 2005, and 2006, shall be one-half of 1 percentage point higher than the percentage that would otherwise be applicable under such paragraph."

(d) PUBLICATION OF ADJUSTED RATES.—Subsection (e) of such section is amended—

(1) by striking "(e) NOTICE OF ALLOCATIONS.—" and inserting "(e) NOTIFICATION AND PUBLICATION REQUIREMENTS.—(1)"; and

(2) by adding at the end the following new paragraph:

"(2) The rates of basic pay that take effect under this section shall be printed in the Federal Register and the Code of Federal Regulations."

(e) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—Such section is further amended—

(1) by redesignating subsection (g) as subsection (h); and

(2) by inserting after subsection (f) the following new subsection (g):

"(g) PRESIDENTIAL DETERMINATION OF NEED FOR ALTERNATIVE PAY ADJUSTMENT.—(1) If, because of national emergency or serious economic conditions affecting the general welfare, the President considers the pay adjustment which would otherwise be required by this section in any year to be inappropriate, the President shall prepare and transmit to Congress before September 1 of the preceding year a plan for such alternative pay adjustments as the President considers appropriate, together with the reasons therefor.

"(2) In evaluating an economic condition affecting the general welfare under this subsection, the President shall consider pertinent economic measures including the Indexes of Leading Economic Indicators, the Gross National Product, the unemployment rate, the budget deficit, the Consumer Price Index, the Producer Price Index, the Employment Cost Index, and the Implicit Price Deflator for Personal Consumption Expenditures.

"(3) The President shall include in the plan submitted to Congress under paragraph (1) an assessment of the impact that the alternative pay adjustments proposed in the plan would have on the Government's ability to recruit and retain well-qualified persons for the uniformed services."

(f) DEFINITIONS.—Such section, as amended by subsection (e), is further amended by adding at the end the following:

"(i) DEFINITIONS.—In this section:

"(1) The term 'ECI' means the Employment Cost Index (wages and salaries, private industry workers) published quarterly by the Bureau of Labor Statistics.

"(2) The term 'base quarter' for any year is the 3-month period ending on September 30 of such year."

By Mr. LEAHY (for himself, Mr. GRASSLEY, Mr. DURBIN, Mr. FEINGOLD, Mr. KOHL, and Mr. SCHUMER):

S. 946. A bill to enhance competition for prescription drugs by increasing the ability of the Department of Justice and Federal Trade Commission to enforce existing antitrust laws regarding brand name drugs and generic drugs; to the Committee on the Judiciary.

Mr. LEAHY. Mr. President, last November, the Drug Competition Act passed the Senate by unanimous consent. This morning, I am proud to join Senator GRASSLEY, along with Senators Durbin, Feingold, Kohl and Schumer in re-introducing this important bill, I hope that in this Congress it is actually enacted into law. Prescription drug prices are rapidly increasing, and are a source of considerable concern to many Americans, especially senior citizens and families. Generic drug prices can be as much as 80 percent lower than the comparable brand name version.

While the Drug Competition Act is small in terms of length, it is large in terms of impact. It will ensure that law enforcement agencies can take quick and decisive action against companies that are driven more by greed than by good sense. It gives the Federal Trade Commission and the Justice Department access to information about secret deals between drug companies that keep generic drugs off the market. This is a practice that hurts American families, particularly senior citizens, by denying them access to low-cost generic drugs, and further inflating medical costs.

Last fall, the Federal Trade Commission released a comprehensive report on barriers the entry of generic drugs into the pharmaceutical marketplace. The FTC had two recommendations to improve the current situation and to close the loopholes in the law that allow drug manufacturers to manipulate the timing of generics' introduction to the market. One of those recommendations was simply to enact our bill, as the most effective solution to the problem of "sweetheart" deals between brand name and generic drug manufacturers that keep generic drugs off the market, thus depriving consumers of the benefits of quality drugs at lower prices. In short, this bill enjoys the unqualified endorsement of the current FTC, which follows on the support by the Clinton Administration's FTC during the initial stages of our formulation of this bill. We can all have every confidence in the common sense approach that our bill takes to ensuring that our law enforcement agencies have the information they need to take quick action, if necessary, to protect consumers from drug companies that abuse the law.

Under current law, the first generic manufacturer that gets permission to sell a generic drug before the patent on the brand-name drug expires, enjoys protection from competition for 180

days—a headstart on other generic companies. That was a good idea—but the unfortunate loophole exploited by a few is that secret deals can be made that allow the manufacturer of the generic drug to claim the 180-day grace period—to block other generic drugs from entering the market—while, at the same time, getting paid by the brand-name manufacturer not to sell the generic drug.

Our legislation closes this loophole for those who want to cheat the public, but keeps the system the same for companies engaged in true competition. I think it is important for Congress not to overreact and throw out the good with the bad. Most generic companies want to take advantage of this 180-day provision and deliver quality generic drugs at much lower costs for consumers. We should not eliminate the incentive for them. Instead, we should let the FTC and Justice look at every deal that could lead to abuse, so that only the deals that are consistent with the intent of that law will be allowed to stand. The Drug Competition Act accomplishes precisely that goal, and helps ensure effective and timely access to generic pharmaceuticals that can lower the cost of prescription drugs for seniors, for families, and for all of us.

I regret that some in the Senate stalled action on this worthwhile measure until very late in the last Congress and that the House chose not to act at all, and I hope that the growing need for more cost-effective health care solutions will serve as a catalyst for quick action on this needed legislation.

Mr. GRASSLEY. Mr. President, I am pleased to join Senator LEAHY today in introducing the Drug Competition Act of 2003. This bill will help Federal regulators ensure that there is full and unfettered access to competition for prescription drugs under the law. As the past Chairman of the Special Committee on Aging and now as the Chairman of the Finance Committee, I want to make sure that American consumers—especially our seniors—are able to get the life-saving drugs they need in a competitive manner.

Our patent laws provide drug companies with incentives to invest in research and development of new drugs. But the law also provides that generic drug companies have the ability to get their own drugs on the market so that there can be price competition and lower prices for prescription drugs. We have a legal system in place that provides for such a balance—the Hatch-Waxman law. Ultimately, we want consumers and seniors to have more choices and to get drugs at lower prices.

So, I was concerned when I heard reports that the Federal Trade Commission had brought enforcement actions against brand-name and generic drug manufacturers that had entered into anti-competitive agreements, resulting in the delay of the introduction of lower priced drugs. This bill targets that problem.

Under the Hatch-Waxman Act, manufacturers of generic drugs are encouraged to challenge weak or invalid patents on brand-name drugs so consumers can benefit from lower generic drug prices. Current law gives temporary protection from competition to the first generic drug manufacturer that gets exclusive permission to sell a generic drug before the patent on the brand-name drug expires. This gives the generic firm a 180-day head start on other generic companies.

However, the FTC discovered that some companies were exploiting this law by entering into secret deals, which allowed the generic drug makers to claim the 180-day grace period and to block other generic drugs from entering the market, while at the same time getting paid by the brand-name manufacturer for withholding sales of the generic version of the drug. This meant that consumers continued to pay high prices for drugs, rather than benefiting from more competitive and lower prices. So the FTC brought enforcement actions against these companies.

In addition, the FTC conducted a comprehensive review of agreements that impacted the 180-day exclusivity period. The FTC found that there are competition problems with some of these agreements that potentially delayed generic drug entry into the market. The FTC recommended:

Given this history, we believe that notification of such agreements to the Federal Trade Commission and the U.S. Department of Justice is warranted. We support the Drug Competition Act of 2001, S. 754, introduced by Senator Leahy, as reported by the Committee on the Judiciary.

The Drug Competition Act is a simple solution to the 180-day exclusivity problems that the FTC has identified. The bill would require drug companies that enter agreements relating to the 180-day period to file those documents with the FTC and DOJ. It would impose sanctions on companies who do not provide timely notification. This process would facilitate agency review of the agreements to determine whether they have anti-competitive effects.

The Drug Competition Act will ensure that consumers are not hurt by secret, anti-competitive contracts, so that consumers can get competition and lower drug prices as soon as possible. I urge my colleagues to support this bill.

By Mr. SCHUMER:

S. 948. A bill to require prescription drug manufacturers, packers, and distributors to disclose certain gifts provided in connection with detailing, promotional, or other marketing activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 948

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Drug Company Gift Disclosure Act”.

SEC. 2. DISCLOSURE BY PRESCRIPTION DRUG MANUFACTURERS, PACKERS, AND DISTRIBUTORS OF CERTAIN GIFTS.

Section 503 of the Federal Food, Drug, and Cosmetics Act (21 U.S.C. 353) is amended by adding at the end the following:

“(h)(1) Each manufacturer, packer, or distributor of a drug subject to subsection (b)(1) shall disclose to the Commissioner—

“(A) not later than June 30, 2004, and each June 30 thereafter, the value, nature, and purpose of any—

“(i) gift provided during the preceding calendar year to any covered health entity by the manufacturer, packer, or distributor, or a representative thereof, in connection with detailing, promotional, or other marketing activities; and

“(ii) cash rebate, discount, or any other financial consideration provided during the preceding calendar year to any pharmaceutical benefit manager by the manufacturer, packer, or distributor, or a representative thereof, in connection with detailing, promotional, or other marketing activities; and

“(B) not later than the date that is 6 months after the date of enactment of this subsection and each June 30 thereafter, the name and address of the individual responsible for the compliance of the manufacturer, packer, or distributor with the provisions of this subsection.

“(2) Subject to paragraph (3), the Commissioner shall make all information disclosed to the Commissioner under paragraph (1) publicly available, including by posting such information on the Internet.

“(3) The Commissioner shall keep confidential any information disclosed to or otherwise obtained by the Commissioner under this subsection that relates to a trade secret referred to in section 1905 of title 18, United States Code. The Commissioner shall provide an opportunity in the disclosure form required under paragraph (4) for a manufacturer, packer, or distributor to identify any such information.

“(4) Each disclosure under this subsection shall be made in such form and manner as the Commissioner may require.

“(5) Each manufacturer, packer, and distributor described in paragraph (1) shall be subject to a civil monetary penalty of not more than \$10,000 for each violation of this subsection. Each unlawful failure to disclose shall constitute a separate violation. The provisions of paragraphs (3), (4), and (5) of section 303(g) shall apply to such a violation in the same manner as such provisions apply to a violation of a requirement of this Act that relates to devices.

“(6) For purposes of this subsection:

“(A) The term ‘covered health entity’ includes any physician, hospital, nursing home, pharmacist, health benefit plan administrator, or any other person authorized to prescribe or dispense drugs that are subject to subsection (b)(1), in the District of Columbia or any State, commonwealth, possession, or territory of the United States.

“(B) The term ‘gift’ includes any gift, fee, payment, subsidy, or other economic benefit with a value of \$50 or more, except that such term excludes the following:

“(i) Free samples of drugs subject to subsection (b)(1) intended to be distributed to patients.

“(ii) The payment of reasonable compensation and reimbursement of expenses in connection with any bona fide clinical trial conducted in connection with a research study

designed to answer specific questions about drugs, devices, new therapies, or new ways of using known treatments.

“(iii) Any scholarship or other support for medical students, residents, or fellows selected by a national, regional, or specialty medical or other professional association to attend a significant educational, scientific, or policy-making conference of the association.”.

By Mrs. HUTCHISON (for herself and Mrs. FEINSTEIN):

S. 949. A bill to establish a commission to assess the military facility structure of the United States overseas, and for other purposes; to the Committee on Armed Services.

Mrs. HUTCHISON. Mr. President, today Senator FEINSTEIN and I are introducing the “Overseas Military Facility Structure Review Act” to establish a congressional panel to conduct a detailed study of U.S. military facilities overseas. This bill creates a bipartisan congressional commission charged with undertaking an objective and thorough review of our overseas basing structure. The commission will consider a host of criteria to determine whether our overseas bases are prepared to meet our needs in the 21st Century. The commission will be comprised of national security and foreign affairs experts who will present their findings to the 2005 domestic Base Realignment and Closure, BRAC, Commission, providing a comprehensive analysis of our worldwide base and force structure.

We believe it is important to determine our overseas basing requirements, assess training constraints, and provide recommendations on future realignments. As a result, we are proposing legislation that would create a congressional Overseas Basing Commission to review our basing strategy to ensure that it is consistent with both our short- and long-term national security objectives. We believe the time is right to move forward with a more structured approach to reviewing these overseas bases.

Such a review is timely. The 2005 BRAC is just around the corner and some in the Pentagon have suggested it could result in the closure of nearly one out of every four domestic bases. Before we close stateside military bases, we must first analyze our overseas infrastructure. If we reduce our overseas presence, we need stateside bases to station returning troops. It is senseless to close bases on U.S. soil in 2005 only to determine a few years later that we made a costly, irrevocable mistake. A painful lesson we learned in the last rounds of closures.

Though our military force structure has decreased since the Cold War, the responsibilities placed upon our service members have significantly increased. While operational effectiveness is paramount, it would be irresponsible to build on an inefficient, obsolete overseas base structure, as we face new strategic threats in the 21st century, taking valuable dollars needed elsewhere.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 122—EXPRESSING THE SENSE OF THE SENATE THAT THE PRESIDENT SHOULD DESIGNATE MAY 1, 2003 AS “NATIONAL CHILD CARE WORTHY WAGE DAY”

Mr. CORZINE (for himself, Mr. DODD, Mr. DURBIN, Mr. FEINGOLD, Mr. KERRY, Mr. MURRAY, and Mr. KENNEDY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 122

Whereas approximately 14,000,000 children are in out-of-home care during part or all of the day so that their parents may work;

Whereas the average salary of early childhood educators is \$16,000 per year, and only one third of these educators have health insurance and even fewer have a pension plan;

Whereas low wages make it difficult to attract qualified individuals to the early childhood education profession and impair the quality of child care and other early childhood education programs, which is directly linked to the quality of early childhood educators;

Whereas the turnover rate of early childhood educators is approximately 30 percent per year because low wages and a lack of benefits make it difficult to retain high quality educators;

Whereas research has demonstrated that young children require caring relationships and a consistent presence in their lives for their positive development;

Whereas the compensation of early childhood educators must be commensurate with the important job of helping the young children of the United States develop the social, emotional, physical, and intellectual skills they need to be ready for school;

Whereas the cost of adequate compensation for early childhood educators cannot be funded by further burdening parents with higher child care fees, but requires instead public as well as private resources to ensure that quality care and education is accessible for all families; and

Whereas the Center for the Child Care Workforce and other early childhood education organizations recognize May 1st as National Child Care Worthy Wage Day: Now, therefore, be it

Resolved,

SECTION 1. DESIGNATION OF NATIONAL CHILD CARE WORTHY WAGE DAY.

(a) SENSE OF THE SENATE.—It is the sense of the Senate that the President should designate May 1, 2003, as “National Child Care Worthy Wage Day”.

(b) PROCLAMATION.—The Senate requests the President to issue a proclamation—

(1) designating May 1, 2003, as “National Child Care Worthy Wage Day”; and

(2) calling on the people of the United States to observe “National Child Care Worthy Wage Day” by—

(A) honoring early childhood educators and programs in their communities; and

(B) working together to resolve the early childhood educator compensation crisis.

Mr. CORZINE. Mr. President, I rise today to submit, along with Senators DODD, DURBIN, FEINGOLD, KENNEDY, KERRY and MURRAY, a resolution supporting national Child Care Worthy Wage Day. It is my hope that it will bring attention to early childhood education and the importance of attracting and retaining qualified childcare workers.

Every day, approximately 13 million children are cared for outside the home so that their parents can work. This figure includes 6 million of our Nation's infants and toddlers. Children begin to learn at birth, and the quality of care they receive will affect them for the rest of their lives. Early childcare affects language development, math skills, social behavior, and general readiness for school. Experienced childcare workers can identify children who have development or emotional problems and provide the care they need to take on life's challenges. Through the creative use of play, structured activities and individual attention, childcare workers help young children learn about the world around them and how to interact with others. They also teach the skills children will need to be ready to read and to learn when they go to school.

Unfortunately, despite the importance of their work, the committed individuals who nurture and teach our Nation's young children are undervalued. The average salary of a childcare worker is about \$15,000 annually. In 1998, the middle 50 percent of childcare workers and pre-school teachers earned between \$5.82 and \$8.13 an hour, according to the Department of Labor. The lowest 10 percent of childcare workers were paid an hourly rate of \$5.49 or less. Only one third of our Nation's childcare workers have health insurance and even fewer have pension plans. This grossly inadequate level of wages and benefits for childcare staff has led to difficulties in attracting and retaining high quality caretakers and educators. As a result, the turnover rate for childcare providers is 30 percent a year. This high turnover rate interrupts consistent and stable relationships that children need to have with their caregivers.

If we want our children cared for by qualified providers with higher degrees and more training, we will have to make sure they are adequately compensated. Otherwise, we will continue to lose early childhood educators with BA degrees to kindergarten and first grade, losing some of our best teachers of young children from the early years of learning.

In order to bring attention to childcare workers, I am sponsoring a resolution that would designate May 1 as National Child Care Worthy Wage Day. On May 1 each year, childcare providers and other early childhood professionals nationwide conduct public awareness and education efforts highlighting the importance of good early childhood education.

I encourage my colleagues to join me in recognizing the importance of the work and professionalism that childcare workers provide and the need to increase their compensation accordingly. The Nation's childcare workforce, the families who depend on them, and the children they care for, deserve our support.

SENATE RESOLUTION 123—DESIGNATING APRIL 28, 2003, THROUGH MAY 2, 2003, AS "NATIONAL CHARTER SCHOOLS WEEK," AND FOR OTHER PURPOSES

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. FRIST, Mr. ALEXANDER, Mr. CARPER, and Mr. BAYH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 123

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received substantial assistance from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving nearly 700,000 students in almost 2,700 charter schools during the 2002-2003 school year;

Whereas charter schools can be vehicles for improving student academic achievement for the students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the same Federal student academic achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools assess and evaluate students annually and often more frequently, and charter school student academic achievement is directly linked to charter school existence;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas more than two-thirds of charter schools report having a waiting list, the average size of such a waiting list is more than one-half of the school's enrollment, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with low incomes, minority students, and students with disabilities, and in a majority of charter schools almost half of the students are considered at risk or are former dropouts;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 28, 2003, through May 2, 2003, as "National Charter Schools Week";

(2) honors the 11th anniversary of the opening of the Nation's first charter school;

(3) acknowledges and commends the growing charter school movement and charter schools, teachers, parents, and students across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;

(4) supports the goals of National Charter Schools Week, an event sponsored by charter schools and charter school organizations across the Nation and established to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

(5) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

SENATE RESOLUTION 124—DESIGNATING SEPTEMBER 28, 2003, AS "NATIONAL GOOD NEIGHBOR DAY"

Mr. BURNS (for himself, Mr. BAUCUS, Mrs. CLINTON, Mr. COCHRAN, Mr. CRAPO, Mr. HATCH, Mr. MILLER, Mr. LEVIN, Mr. KOHL, and Mr. STEVENS) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 124

Whereas while our society has developed highly effective means of speedy communication around the world, it has failed to ensure communication among individuals who live side by side;

Whereas the endurance of human values and consideration for others is of prime importance if civilization is to survive; and

Whereas being a good neighbor to those around us is the first step toward human understanding: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 28, 2003, as "National Good Neighbor Day"; and

(2) requests that the President issue a proclamation calling upon the people of the United States and interested groups and organizations to observe National Good Neighbor Day with appropriate ceremonies and activities.

Mr. BURNS. Mr. President, today I am introducing a resolution designating September 28, 2003 as National Good Neighbor Day. I would like to thank my colleagues Senators BAUCUS, HATCH, STEVENS, CRAPO, CLINTON, MILLER, LEVIN, KOHL, and COCHRAN, for their support. I would also like to thank Becky Mattson of Lakeside, Montana, who has taken this cause to heart and championed it for so long.

In the aftermath of September 11th, Americans united in an unprecedented way. With the threat of terrorism still very real, it has never been so important to remain unified and conscious of the concerns of our neighbors.

This resolution has a long history. This resolution was first proposed by a fellow Montanan, Senator Mike Mans-

field, in 1971. National Good Neighbor Day was then proclaimed by Presidents Nixon, Ford, and Carter because, as President Nixon explained, "the responsibility for building a happier, livelier, fuller life in each of our communities must rest, in the end, with each of us."

This bipartisan resolution will set aside a day to promote a better understanding and appreciation of our neighbors. However, in the trying times in which we now live, it will hopefully serve as a catalyst for making every day National Good Neighbor Day.

SENATE RESOLUTION 125—DESIGNATING APRIL 28, 2003, THROUGH MAY 2, 2003, AS "NATIONAL CHARTER SCHOOLS WEEK", AND FOR OTHER PURPOSES

Mr. GREGG (for himself, Mr. LIEBERMAN, Mr. ALEXANDER, Mr. CARPER, and Mr. BAYH) submitted the following resolution; which was considered and agreed to:

S. RES. 125

Whereas charter schools are public schools authorized by a designated public body and operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received substantial assistance from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving nearly 700,000 students in almost 2,700 charter schools during the 2002-2003 school year;

Whereas charter schools can be vehicles for improving student academic achievement for the students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the same Federal student academic achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools assess and evaluate students annually and often more frequently, and charter school student academic achievement is directly linked to charter school existence;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas more than two-thirds of charter schools report having a waiting list, the average size of such a waiting list is more than one-half of the school's enrollment, and the total number of students on all such waiting

lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with low incomes, minority students, and students with disabilities, and in a majority of charter schools almost half of the students are considered at risk or are former dropouts;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 28, 2003, through May 2, 2003, as "National Charter Schools Week";

(2) honors the 11th anniversary of the opening of the Nation's first charter school;

(3) acknowledges and commends the growing charter school movement and charter schools, teachers, parents, and students across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;

(4) supports the goals of National Charter Schools Week, an event sponsored by charter schools and charter school organizations across the Nation and established to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

(5) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

SENATE CONCURRENT RESOLUTION 39—SUPPORTING THE GOALS AND IDEALS OF ST. TAMMANY DAY ON MAY 1, 2003, AS A NATIONAL DAY OF RECOGNITION FOR TAMANEND AND THE VALUES HE REPRESENTED

Mr. BREAUX (for himself and Ms. LANDRIEU) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 39

Whereas in 1810, President James Madison declared the Territory of West Florida to be a part of the Louisiana Purchase, and in 1811, William C. C. Claiborne, the first American territorial Governor of Louisiana, named the area north of Lake Pontchartrain as "St. Tammany Parish" in honor of the saintly Amerindian Tamanend, who was a sachem of the Lenni Lenape;

Whereas Tamanend is admired and respected for his virtues of honesty, integrity, honor, fairness, justice, and equality for the common person;

Whereas in colonial times, May 1st was celebrated in honor of Tamanend and the common person; and

Whereas the St. Tammany Parish Council of St. Tammany Parish, Louisiana, has passed a resolution designating May 1, 2003, as St. Tammany Day, and urging the reinstatement of May 1st as a national day of recognition for Tamanend and the values he represented: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress sup-

ports the goals and ideals of St. Tammany Day as a national day of recognition for Tamanend and the values he represented.

NOTICES OF HEARING/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, April 30, 2003, at 2:00 p.m. in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 519, the Native American Capital Formation and Economic Development Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

COMMITTEE ON INDIAN AFFAIRS

Mr. CAMPBELL. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, May 7, 2003 at 10:00 a.m., in Room 485 of the Russell Senate Office Building to conduct a hearing on S. 550, the American Indian Probate Reform Act of 2003.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, April 29, 2003, at 9:30 a.m. on the future of intercity passenger rail service and Amtrak.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Tuesday, April 29, 2003, at 10:00 a.m. to consider comprehensive energy legislation

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 29, 2003, at 9:30 a.m. to hold a hearing on An Enlarged NATO: Mending Fences and Moving Forward on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for a hearing on The Severe Acute Respiratory syndrome Threat, SARS, during the session of the Senate on Tues-

day, April 29, 2003, at 2:00 p.m. in SD-106.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Tuesday, April 29, 2003, at 10:00 a.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORTING THE GOALS AND IDEALS OF ST. TAMMANY DAY ON MAY 1, 2003

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate connection of S. Con. Res. 39 submitted earlier today by Senators BREAUX and LANDRIEU.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 39) supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tamanend and the values he represented.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the concurrent resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 39) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 39

Whereas in 1810, President James Madison declared the Territory of West Florida to be a part of the Louisiana Purchase, and in 1811, William C. C. Claiborne, the first American territorial Governor of Louisiana, named the area north of Lake Pontchartrain as "St. Tammany Parish" in honor of the saintly Amerindian Tamanend, who was a sachem of the Lenni Lenape;

Whereas Tamanend is admired and respected for his virtues of honesty, integrity, honor, fairness, justice, and equality for the common person;

Whereas in colonial times, May 1st was celebrated in honor of Tamanend and the common person; and

Whereas the St. Tammany Parish Council of St. Tammany Parish, Louisiana, has passed a resolution designating May 1, 2003, as St. Tammany Day, and urging the reinstatement of May 1st as a national day of recognition for Tamanend and the values he represented: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress supports the goals and ideals of St. Tammany Day as a national day of recognition for Tamanend and the values he represented.

NATIONAL CHARTER SCHOOLS WEEK

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 125, submitted earlier today by Senators GREGG, LIEBERMAN, and others.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 125) designating April 28, 2003, through May 2, 2003, as "National Charter Schools Week," and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GREGG. Mr. President, today my colleagues, Senators LIEBERMAN, FRIST, ALEXANDER, CARPER and BAYH, joined me in the introduction of S. Res. 125, a resolution to designate the week of April 28 through May 2, 2003, as National Charter Schools Week. This year marks the 11th anniversary of the opening of the Nation's first charter school in Minnesota. In the last 11 years, we have come a long way since that auspicious moment when one teacher collaborating with parents started a public school specifically designed to meet the needs of the students in the community.

Today, we have almost 2,700 charter schools serving nearly 700,000 students. Charter schools are immensely popular: two-thirds of them report having long waiting lists, and there are currently enough students on waiting lists to fill another 1,000 average-sized charter schools. Survey after survey shows parents are overwhelmingly satisfied with their children's charter schools.

Charter schools are popular for a variety of reasons. They are generally free from the burdensome regulations and policies that govern traditional public schools. They are founded and run by principals, teachers, and parents who share a common vision of education, a vision which guides each and every decision made at the schools, from hiring personnel to selecting curricula. Furthermore, charter schools are held accountable for student performance in a unique way—if they fail to educate their students well and meet the goals of their charters, they close.

Since each charter school represents the unique vision of its founders, these schools vary greatly, but all strive for excellence.

For example, the Jean Massieu Academy in Arlington, TX, was created in 1999 to serve deaf and hearing-impaired children and their siblings. All instruction at Jean Massieu is in American Sign Language, accompanied by English text. For 2 consecutive years, the academy has earned the second-highest rating in the State's accountability system based on its students' excellent performance.

Here in the District of Columbia, low-income fifth graders at KIPP DC/

KEY Academy performed remarkably in reading and math on a national test, increasing their scores by more than twice the amount children typically gain from year to year. Students and teachers at the KEY Academy log long hours, attending class from 8 a.m. to 5 p.m. each weekday, half a day on many Saturdays, and for much of the summer, but their hard work is obviously reaping rewards.

These are but a handful of the success stories in the charter school movement, which includes a wide range of schools serving a variety of different learning needs and styles, often at a lower cost than traditional public schools.

I expect that we will see the popularity of charter schools continue to grow. Last year, the President signed into law the No Child Left Behind Act, which gives parents in low-performing schools the option to transfer to another public school. The act also provides school districts with the option of converting low-performing schools into charter schools. I believe these provisions will strengthen the charter school movement by creating more opportunities for charter school development. And, as parents exercise their right to school choice and "vote with their feet", the demand for charters schools will grow.

I commend the more than 1.6 million people involved in the charter school movement, from parents to teachers to community leaders and members of the business community. Together, they have led the charge in education reform and have started a revolution with the potential to transform our system of public education. Districts with a large number of charter schools reported becoming more customer service oriented and creating new education programs, many of which are similar to those offered by charter schools, and increasing contact with parents. These improvements benefit all our students, not just those who choose charter schools.

I encourage my colleagues to visit a charter school this week to witness firsthand the ways in which these innovative schools are making a difference, both in the lives of the students they serve as well as in the community in which they reside.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 125) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 125

Whereas charter schools are public schools authorized by a designated public body and

operating on the principles of accountability, parental involvement, choice, and autonomy;

Whereas in exchange for the flexibility and autonomy given to charter schools, they are held accountable by their sponsors for improving student achievement and for their financial and other operations;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico have passed laws authorizing charter schools;

Whereas 39 States, the District of Columbia, and the Commonwealth of Puerto Rico will have received substantial assistance from the Federal Government by the end of the current fiscal year for planning, startup, and implementation of charter schools since their authorization in 1994 under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.);

Whereas 36 States, the District of Columbia, and the Commonwealth of Puerto Rico are serving nearly 700,000 students in almost 2,700 charter schools during the 2002-2003 school year;

Whereas charter schools can be vehicles for improving student academic achievement for the students who attend them, for stimulating change and improvement in all public schools, and for benefiting all public school students;

Whereas charter schools must meet the same Federal student academic achievement accountability requirements as all public schools, and often set higher and additional goals, to ensure that they are of high quality and truly accountable to the public;

Whereas charter schools assess and evaluate students annually and often more frequently, and charter school student academic achievement is directly linked to charter school existence;

Whereas charter schools give parents new freedom to choose their public school, charter schools routinely measure parental approval, and charter schools must prove their ongoing and increasing success to parents, policymakers, and their communities;

Whereas more than two-thirds of charter schools report having a waiting list, the average size of such a waiting list is more than one-half of the school's enrollment, and the total number of students on all such waiting lists is enough to fill another 1,000 average-sized charter schools;

Whereas students in charter schools nationwide have similar demographic characteristics as students in all public schools;

Whereas charter schools in many States serve significant numbers of students from families with low incomes, minority students, and students with disabilities, and in a majority of charter schools almost half of the students are considered at risk or are former dropouts;

Whereas charter schools have enjoyed broad bipartisan support from the Administration, Congress, State Governors and legislatures, educators, and parents across the Nation; and

Whereas charter schools are laboratories of reform and serve as models of how to educate children as effectively as possible: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 28, 2003, through May 2, 2003, as "National Charter Schools Week";

(2) honors the 11th anniversary of the opening of the Nation's first charter school;

(3) acknowledges and commends the growing charter school movement and charter schools, teachers, parents, and students across the Nation for their ongoing contributions to education and improving and strengthening the Nation's public school system;

(4) supports the goals of National Charter Schools Week, an event sponsored by charter schools and charter school organizations across the Nation and established to recognize the significant impacts, achievements, and innovations of the Nation's charter schools; and

(5) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate programs, ceremonies, and activities to demonstrate support for charter schools in communities throughout the Nation.

ORDERS FOR WEDNESDAY, APRIL 30, 2003

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., Wednesday, April 30. I further ask consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then begin a period of morning business until 11 a.m., with the time equally divided between the two leaders or their designees, provided that at 11 a.m., the Senate proceed to the consideration of Calendar No. 60, S. 196, the digital and wireless technology bill, as provided under the previous order.

I further ask consent that following the vote on S. 196, the Senate return to executive session to resume the consideration of the nomination of Priscilla Owen to be a circuit judge for the Fifth Circuit.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. For the information of all Senators, following morning business, the Senate will take up S.

196, the digital and wireless technology bill. Under the agreement, the Senate will vote on the measure at approximately 12 noon.

Upon the disposition of that bill, the Senate will resume consideration of the Owen nomination. The majority leader has asked me to announce that while he regrets being forced to file cloture on this important appeals court nomination, he believes it is vital that the Senate fulfill its advise and consent responsibility. With that being said, I inform my colleagues that the cloture vote on the Owen nomination will occur Thursday morning, and Members will be notified when the vote is scheduled.

I also announce to my colleagues that the majority leader is working with the Democratic leader to clear several items for floor action. The items under discussion include the State Department authorization bill, the bioshield bill, the FISA legislation, and several judicial nominations. Therefore, Members should anticipate additional votes during tomorrow's session.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there was some discussion on the floor today that the minority would move to the nomination of Prado tomorrow. That is a debatable motion when we are in executive session. We have been in contact with the majority. In fact, the distinguished majority whip and I have been talking all afternoon to try to work something out. We understand the difficulty of our doing what we have said we would likely do. We acknowledge it is better that the majority sets the schedule. But there are times when we have to try to protect our rights.

I am the one who said I would do this at the first opportunity. I am not going to do that tomorrow until the ability

we have to work out a fair proposal on a number of circuit court judges is exhausted. We were very close to doing something on that tonight. I am confident the distinguished Senator from Kentucky and I can work something out tomorrow, with the consent of both of our caucuses.

So I just want to put everyone on notice that I am not going to move to Prado tomorrow and that we are going to try to work things out on our own, and that would be the most expeditious and, I am sure, best way to go. I am confident and hopeful we can do that.

Mr. McCONNELL. Mr. President, I just add that the Senator from Nevada and I spent some considerable amount of time this afternoon trying to clear some additional votes for nominees for the circuit court, and we are going to continue that effort tomorrow in the hopes of reaching an agreement to dispose of some of these nominations that are going to be allowed to be voted on, on an up-or-down basis. We will continue that effort in the morning.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. McCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:12 p.m., adjourned until Wednesday, April 30, 2003, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate April 29, 2003:

THE JUDICIARY

JEFFREY S. SUTTON, OF OHIO, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT.

EXTENSIONS OF REMARKS

HONORING THE SULLIVAN COUNTY MEMORIAL HOSPITAL FOR 50 YEARS OF SERVICE TO SULLIVAN COUNTY, MISSOURI

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the Sullivan County Memorial Hospital in Milan, Missouri on its 50th anniversary of service to the residents of North Missouri. The hospital established a reputation founded on excellent patient care.

The Sullivan County Memorial Hospital was built in 1953 as a 48-bed facility that was greatly needed for this rural community. In 1984, the hospital expansion encompassed an addition of private rooms, and expanded emergency department and enlarged ancillary service areas. In 1996, the hospital's physician's clinic opened to provide primary care to patients of all ages including treatment and diagnosis of medical illness and injuries, annual physicals, well-patient visits, employment exams, school and sports physicals, immunizations and pain management. To this day, the hospital continues to operate as the only fully staffed medical facility in Sullivan County and provides 24-hour emergency care.

The mission of the Sullivan County Memorial Hospital is to provide a broad range of high quality primary medical services and long-term care, and to coordinate the availability of other medical services to area residents. Residents in the area are certainly appreciative of this level of care.

Mr. Speaker, I proudly ask you to join me in commending the 50th anniversary of the Sullivan County Memorial Hospital in Milan, Missouri. Their dedication to the medical profession and excellence in patient care has served the residents of North Missouri well.

TRIBUTE TO SHIRLEY TARRANT, TEACHER AND COMMUNITY ACTIVIST

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CASTLE. Mr. Speaker, it is with great honor that I rise in memory of and to pay tribute to a wife, a mother, a grandmother, a teacher and a community activist—Shirley M. Tarrant, who passed away this month after half a century of outstanding service to the State of Delaware. The number of accomplishments, recognitions and most importantly admirations that Shirley has had in her life is remarkable.

Today, I recognize Shirley for her proud and distinguished public and personal life. Ms. Tarrant was the daughter of Frank and Edith Riley. She was a graduate of Wilmington High School and of the University of Delaware.

Shirley's career as an elementary school teacher was tremendously important to so many children in the State of Delaware but she distinguished herself as a community activist early on.

Shirley was the leader in establishing the Newark Girls Club, she was president of the Suburban County Hospital Task Force, she was a chairperson of the Delaware Health Facilities Authority and a member of the Board of Christiana Care Health Systems.

As the President of the Suburban County Hospital Task Force, Shirley was ultimately responsible for the construction of the Christiana Hospital, which is the largest, most advanced facility in Delaware.

With her husband Alfred and her daughter Marci at her side, Shirley proudly and unselfishly contributed everyday to life in her home and her community.

Shirley's contributions cannot be commended enough. Though she has passed on, we can all be sure that her contributions will remain with us. Her commitment to her goals, her family and her State have earned her a permanent place in the thoughts and hearts of so many people.

RECOGNITION OF MR. AND MRS. ELLIS SMITH, SR.

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PAYNE. Mr. Speaker, it is with great pride that I rise today to recognize Mr. Ellis Simon Smith, Sr. and Mrs. Lillie Mae Smith as they celebrate their 50th wedding anniversary.

Born in Trenton, North Carolina on November 12, 1933, Mr. Ellis spent his early years growing up and working in North Carolina. At the age of 19, he met and married Miss Lillie Mae Jones of Falling Creek, North Carolina and they began their journey together.

The proud parents of four daughters: Barbara, Helen, Cheryl, and Margaret, the Ellis family has spent the years since 1958 as residents of Newark, New Jersey. Here they are proud members of the Love of Christ Ministry where their son, Ellis, Jr. is the pastor.

Finding a special person and friend to share your life with is one of the great joys of life. I hope that they both have found great joy and happiness together and will cherish the wonderful years ahead. I rise today to recognize that wonderful bond that they have found and continue to share and wish them great happiness as they celebrate together with family and friends.

CONGRESSIONAL TRIBUTE TO FIRST LIEUTENANT FREDERICK POKORNEY

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BERKLEY. Mr. Speaker, United States Marine Corps First Lieutenant Frederick Pokorney was killed in action in Iraq on March 23, 2003. On that day, Nevada lost a true American patriot, proud Marine, and loving husband and father. The hearts of all Nevadans and all Americans go out to his family and friends. Our thoughts and prayers are for his wife, Carolyn Rochelle, and three year old daughter, Taylor Rochelle Pokorney.

Fred's first love was his family with his favorite time being spent with his "best little helper", Taylor. His second love was the Marines.

Fred was born in California and raised himself from an early age until he moved to Tonopah, Nevada to live with Wade and Susie Lieseke, whom he regarded as his parents. An excellent athlete, he was a standout football and basketball player at Tonopah High School.

Fred enlisted in the Marines in February of 1993 and received his second Rifle Expert Award in 1994, the Navy Achievement Medal for Professional Achievement from September 1995 to November 1995, and a Letter of Commendation for efforts above and beyond the call of duty in 1997. Fred completed Officers Candidates School in 1999 and was promoted to a command field artillery officer in March of 2001 after he had earned a degree in Political Science and History from Oregon State University.

Fred met Carolyn, "Chelle" as Fred called her, while stationed in Bremerton, Washington at Bangor Submarine base. They were married on March 29, 1996. Fred was a proud father, a proud husband, and a proud Marine. He always gave one hundred and ten percent, especially in building a life for his family. Fred and Chelle recently celebrated their 7th anniversary via a phone call from his Marine encampment overseas on March 4, wishing Chelle a happy early anniversary and telling Taylor he loved her. It was his last call home.

Fred, a man of large stature and friendly nature, believed in doing things the right way the first time. He spent his last days in the field trying to help and improve the conditions for his troops as they faced difficult combat assignments.

On March 28, 2003, 500 of Fred's friends, teachers, neighbors and loved ones from the small town of Tonopah mourned their loss during a ceremony at Tonopah High School. Fred was remembered by Tonopah as a star athlete, intelligent student, a brave Marine, and a person of great energy and the highest character.

"Chelle" has expressed her loss in these words "Fred not only was my husband, but my

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

gentle giant, my best friend. He wanted to give me and Taylor the best of everything. He embodied what it is to be a Marine—honor, courage, commitment. We shared a love that helped us through the trials and tribulations of life and marriage to me and the Marines. I find comfort in knowing that the last eight years were the best years of our lives, especially the past three years since the birth of our daughter Taylor. I will dread the nights, knowing that we will never share our bed together again. He will no longer hold me, comfort me and make me feel safe."

And, Lieutenant Pokorney's daughter, Taylor, expressed her loss in these words. "My Daddy, my hero. I will take care of Mommy for you as you asked. We will be best friends. I will take her to Sea World for my birthday like we planned. I love you! I need you! I miss you!"

HONORING THE OUTSTANDING ACCOMPLISHMENTS OF NOE GUTIERREZ

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GORDON. Mr. Speaker, I rise today to recognize the perseverance of Noe Gutierrez, who has been chosen the National Adult Learner of the Year for 2003. The Shelbyville, Tennessee, resident has overcome many obstacles in his life while pursuing an education and a better way of life.

The Council on Adult Basic Education chose Noe to receive the award because he epitomizes those who want to empower their lives through knowledge. Noe has not faltered in that pursuit.

Twenty years ago Noe had to leave his native Guatemala to avoid being forced into fighting with a band of guerrilla soldiers who were engaged in a bloody civil war against the government. At just 12 years old, Noe said goodbye to his parents and eight siblings and migrated to the United States where he worked as a migrant farm worker until some Good Samaritans intervened on his behalf.

Noe received his high school diploma through the Bedford County (Tennessee) Adult High School, a much more difficult task than simply attaining a General Educational Development certificate. Now Noe works at the Wal-Mart Distribution Center in Shelbyville, where he has been welcomed with open arms by the community.

Noe is an inspiration for not only immigrants to the United States, but also to anyone who has had to overcome hardships in life. I congratulate Noe for his outstanding achievement and wish him and his family the best of luck in their future endeavors.

TRIBUTE TO NORTH MIAMI POLICE DETECTIVE KATHLEEN RUGGIERO

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a wonderful human being and a

magnificent public servant symbolized by North Miami Police Detective Kathleen Ruggiero. On Sunday, May 4, 2003, at the Miami Shores Country Club, she will be honored by the Knights of Columbus, Marian Council #3757 of North Miami, Florida, at a festivity dinner dubbed appropriately as "American Night".

Officer Ruggiero came to the North Miami Police Department in 1984 after working as a trooper with the Florida Highway Patrol for five years. The citation for this gala event defines "... her loyal service to the community of North Miami and the Community she has created by her care and concern of children." Above all, however, this officer is more saliently characterized by her deep faith in the God she serves through those unloved and unfortunate children whom Divine Providence has deigned to send to her home. Being a loving mother to her own five children, she has taken upon herself the awesome responsibility of providing the same brand of love and affection to many more children who have been either abandoned or left at her doorsteps.

These children have often been victims of domestic violence or have been shortchanged by the absence of basic family care. The children range in age from 1 to 12 years old, including newly-born babies she saved from a trash bin elsewhere. With her husband Walter, Officer Ruggiero truly represents the best and the noblest of our community. She exudes remarkable wisdom and compassion in tirelessly serving her North Miami community and beyond, and still manages to enlighten her fellow citizens on the agenda of conscientious public service and good governance impacting our duties and responsibilities toward the less fortunate.

Along with countless others in Miami-Dade County, I am indeed a fortunate beneficiary of the brand of genuine advocacy she demonstrates both by way of word and example, buttressing her unconditional love for and commitment to the children uprooted from a home bereft of love and care. I have learned from her the centrality of God in our daily lives, conscious of the fact that the mandate of our Judeo-Christian Faith must characterize our actions toward those who could least fend for themselves.

As she wakes up before the crack of dawn on each given day, she begins her domestic chores from mopping the floor to doing the laundry to preparing the morning breakfast for her brood, fully cognizant that she will always have a full day ahead of her. It is during these early morning hours of quiet solitude that she is enveloped by the loving presence of God, becoming conscious of her own Christian stewardship that God's work on earth must truly become her own.

Lovingly called "Mother Kathy," by her household and her own neighborhood, she simply admits that "... It's not easy. I'm not looking at this like an 18- or 19-year-old would. I should be at the age probably where I don't have any kids and I'm going on cruises. But that wouldn't make me happy. I'm going to change those little lives." Indeed, making a little bit of difference in the lives of abandoned children is her genuine way of changing the kind of world to which she was given to serve.

The Sun Sentinel aptly describes her as "... a woman of few pretenses (who) goes by the distance ... By helping these children you do so much more than help an individual. Even though I adopted these kids, my door

will always be open ... " Indeed, Officer Ruggiero has truly become the consummate public servant and community activist who abides by the dictum that children who have less in life, through no fault of their own, should have more from those of us fortunate enough to have received greater blessings from God. The collective testimony from the parents, community leaders and residents of North Miami represents an unequivocal testimony of the utmost respect and gratitude she enjoys.

With the American Night's Gala Tribute to her, our community is deeply touched by her undaunted quiet leadership and perseverance. As a public servant, she preaches and lives by the adage that, under God's Providence, our quest for personal nobility and professional excellence is not beyond the reach of those willing to dare the impossible. As a genuine steward of God, she has indeed earned our deepest respects and remarkable admiration.

I am truly privileged to represent her and her family in the Congress, and I am grateful that she continues to teach us to live by the noble ethic of loving God by serving our fellowmen. Above all, her utmost caring and compassion for helpless little children appeal to the noblest character of our humanity. My pride in sharing her friendship is only exceeded by my deep gratitude for all that she has done to uplift our honor and dignity.

This is the magnificent legacy with which we will always honor Officer Kathleen Ruggiero.

CONGRATULATING THE REPUBLIC OF CYPRUS ON ITS RECENT SIGNING OF EUROPEAN UNION ACCESSION TREATY

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ANDREWS. Mr. Speaker, I rise before you today to offer my sincere congratulations to the Republic of Cyprus, as they recently became 1 of 10 new member states in the European Union (EU).

On April 16, 2003, President Tassos Papadopoulos signed the EU Accession Treaty, and the Republic of Cyprus officially became a part of the European Union. This will undoubtedly prove to be a momentous day for the people of Cyprus, as membership in the EU will provide security, prosperity, and increased activity in international affairs for both the Cypriot government and the citizens it represents. As Cyprus begins this new chapter in its history, I am confident that it will continue to serve as a model for economic and political progress, and the blossoming relationship between the Cypriot and U.S. governments will continue to flourish.

Of great note during this joyous occasion is the fact that the Greek-Cypriots who recently became a part of the EU have not forgotten about their Turkish counterparts who still toil under the illegitimate rule of Rauf Denktaş. Just days after the EU accession, Greek Prime Minister Costas Simitis discussed details of a Greek-Cypriot plan to ease economic hardships in Turkish occupied northern Cyprus. Also, Cypriot President Tassos Papadopoulos has made it clear that negotiations for a reunified Cyprus will continue, and

that the recent EU accession of the southern portion of the island will not have any adverse effects on progress in this area. As President Papadopoulos stated at the signing ceremony:

I regret that the artificial walls of division and the line of separation that was imposed by force prevent our Turkish Cypriot compatriots from proceeding with us, within the framework of a reunited Cyprus, on the way to Europe I reiterate, from this forum as well, at this historic moment of the signing of the Treaty, my firm commitment to exert every effort to achieve a peaceful, workable and viable solution to the Cyprus problem.

Mr. Speaker and fellow Members of Congress, I ask that you please join me in congratulating the government and people of the Republic of Cyprus on their recent accession into the European Union. In addition, I ask that the United States Congress continue to offer encouragement and support to both Greek and Turkish Cypriots as negotiations for a reunified island continue.

RECOGNIZING BRENT DUNKEL FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brent Dunkel, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

Brent has been very active with his troop, participating in such Scout activities as Camp Bartle and Philmont. Over the years he has been involved in scouting, he has earned 48 merit badges. Additionally, Brent has held numerous leadership positions in his troop, serving as assistant patrol leader, assistant senior patrol leader, senior patrol leader and troop guide. Brent also has been honored for his numerous Scouting achievements with such awards as the Foxman in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say, Warrior in the Tribe of Mic-O-Say, Firebuilder in the Tribe of Mic-O-Say, Tom-Tom Beater in the Tribe of Mic-O-Say and the World Conservation Award.

For his Eagle Scout project, Brent prepared and landscaped a "Welcome to Weston" sign in Bless Park in Weston, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Brent Dunkel for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO WILLIAM CHANDLER, THE LONGEST SERVING MEMBER OF THE CARLISLE FIRE COM- PANY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CASTLE. Mr. Speaker, It is with great pleasure that I rise today as a member of the

Congressional Fire Service Caucus to honor and pay tribute to a leader in the firefighting community—Bill Chandler, who age 92, holds the record for being the longest serving member of the Carlisle Fire Company in Milford, Delaware. Bill Chandler is an outstanding, dedicated and caring Delawarean with an abundance of accomplishments in this field. On behalf of myself and the citizens of the First State, I would like to honor this outstanding individual and extend to him our congratulations on almost 70 years in the fire department.

Today, I recognize Bill Chandler for his long and distinguished career with the Carlisle Fire Company. Since beginning his career at age 24 in 1934, Bill Chandler has provided service in a manner that has brought distinction not only to himself but to the entire Fire Company.

Family, friends and fellow firefighters should take a moment to truly appreciate the world of difference Bill Chandler has made in the firefighting community. He has served for many years as fire recorder, vice president, third assistant chief, second assistant chief, first assistant chief and eventually chief of the Carlisle Fire Company. Bill Chandler has also served on the by-laws, budget, president advisory, archives, bingo, bowling, fireman of the year, crab feast and sportsman's expo committees. He is currently serving as a delegate for the Delaware Volunteer Fireman's Association.

Bill Chandler has spent all of his life helping the community of Milford and all of Delaware. To this end, he has received many honors; the 55 years of service award signed by then President George Bush and Senator Bill Roth, Fireman Community Service Award and Company Firefighter of the Year Award. Mr. Chandler was responsible for many improvements in the firefighting community. He implemented the very first rubber boots and hard hats at the Carlisle Fire Company in 1941. However, Bill Chandler has also made valuable contributions to the business community as a partner in Sockrider and Chandler Jewelry Store.

Mr. Speaker, with his children Bill, Edna and Gloria and his seven grandchildren at his side, the Chandler family proudly and unselfishly contributes every day to the quality of life at home in their community and our entire State.

Mr. William Chandler's contributions cannot be commended enough. As he continues his commitment to the Carlisle Fire Company, we can be sure that his contributions to the community will not end. His commitment to fighting fires and saving lives has earned him a permanent place in Delaware's fire service history.

RECOGNITION OF AFRICA MALARIA DAY

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PAYNE. Mr. Speaker, I stand today to recognize Africa Malaria Day, declared on April 25, 2000 by 43 African heads of state. That declaration marked the end of a 3-day summit called to renew and re-invigorate Africa's commitment to defeating malaria, a disease that takes a terrible toll on the African continent. It renewed a commitment to exploit

all means possible to finally tame the disease that kills more African children than any other single disease. It recognized the massive impact of malaria and Africa's potential for reducing that impact. It affirmed African leaders' intent to remove roadblocks to malaria control and called for more active participation by the international community.

UNICEF and the World Health Organization estimate that malaria kills from 1 million to 2 million people every year, most of them young children and pregnant women in Africa. Along with HIV/AIDS and tuberculosis, malaria is one of the three biggest infectious disease killers in the world today.

There has never been a licensed malaria vaccine, but great progress toward that end is now being made. However, the market for a malaria vaccine is primarily poor people in developing countries. This means that market forces requiring an acceptable return on investment by industry cannot, by themselves, drive malaria vaccine development. Ensuring the successful development of a vaccine for a disease that primarily affects the poorest people in the world requires public funding for research and development and funding for vaccine purchase once malaria vaccines are licensed.

Global and national efforts are making a difference. Lives are being saved, and the movement to finally control malaria in Africa is picking up momentum. Evidence of this includes the increasing level of support for malaria control by the Global Fund for AIDS, Tuberculosis and Malaria. But more and broader support is needed to achieve the goal of ending deaths from malaria in the shortest time possible. For each year we delay, another one to two million lives are lost.

Friday, April 25, 2003, was Africa Malaria Day. On that day, the equivalent of seven large planetloads of children died from malaria. Most of these children were under the age of 5. While this fact deeply saddens me, it also impassions me. We can and must ensure that more is done to prevent more deaths, today, tomorrow, and into the future.

HONORING COMMANDER MCCOOL

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BERKLEY. Mr. Speaker, on February 1, 2003, a terrible tragedy took the lives of seven brave astronauts aboard the space shuttle *Columbia*. The second in command was Commander William McCool, son of Las Vegas Audrey and Barent McCool, and all of Southern Nevada mourns the loss of their son.

Audrey, a professor at the University of Nevada Las Vegas (UNLV), and Barent, a retired Marine and Navy pilot and UNLV graduate student, inspired their son to become a pilot. William, called Willie by family and friends, built model airplanes as a boy and followed in his father's footsteps to become a naval aviator. As a student at Coronado High School in Lubbock, Texas, Commander McCool aspired to be a pilot and he demonstrated his abilities and inherent gift when he graduated second in his class of 1,100 students from the U.S. Naval Academy in 1983. Commander McCool continued his education, earning a master's

degree in computer science from the University of Maryland in 1985 and a master's degree in aeronautical engineering from the U.S. Naval Postgraduate School in 1992.

Commander McCool described his path to aviation as a series of doors of opportunity opening to him, first the door to the Naval Academy and then another to naval aviation. Then in 1996, NASA accepted Commander McCool for astronaut shuttle training, and he, his wife, Lani, and their three sons moved to Houston.

Commander McCool's experience as a test pilot, and his reputation as one of the Navy's elite aviators, led to his opportunity to fly on the *Columbia*. Commander McCool dedicated himself to space exploration and to the progress of mankind. He brought his extraordinary gift to students in the classroom through a NASA Program that sent astronauts to speak with students. Commander McCool had a unique ability to reach the students and cherished this opportunity. Because of these opportunities to speak with students, he dreamed of retiring from NASA and becoming a high school science teacher.

Commander McCool would be pleased to know that children name him as a personal inspiration. Children all over the country say that Commander McCool has inspired them to go after their dreams, to not give up, and to achieve. He taught them that you do not have to be extremely wealthy or a genius to reach one's dreams. Commander McCool was a regular person and believed regular people who set goals and work hard can produce great things.

Space travel and exploration excited Commander McCool and he believed that the experiments on board the *Columbia* would improve people's lives on earth. Commander McCool and his crew mates were concerned about the environment and the well-being of people on this earth. The crew hoped, through their flight, to set an example for others as to the importance of working in harmony for the betterment of the planet, its environment and all humanity. While aboard *Columbia*, Commander McCool said "I've had the opportunity to be on the flight deck, to look outside and really soak up the sunrises and sunsets, the moonrises and moonsets, the views of the Himalayas, Australia, all the continents." Commander McCool will be remembered for articulating to all of us his awe of the majesty and mystery of space, his dedication to advancing our knowledge, and his love for his family. As Audrey said of her son, "He did not die in vain."

HONORING CINDY JONES AND HER DEDICATION TO TEACHING

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GORDON. Mr. Speaker, I rise today to congratulate Cindy Jones and her induction into the National Teachers Hall of Fame. Cindy teaches elementary education at Cason Lane Academy in my hometown of Murfreesboro, Tennessee.

Only five teachers nationwide are inducted into the National Teachers Hall of Fame each year. Cindy's outstanding service and dedica-

tion to the teaching profession have earned her this distinguished recognition.

Cindy has helped develop and enhance several after-school programs in Murfreesboro. She belongs to a host of professional associations, including the National Education Association, the Tennessee Education Association, the Murfreesboro Education Association, the Mary Tom Berry Reading Association, the American Psychological Association, Cognition and Phi Kappa Phi.

In addition to helping her students attain excellent educations, Cindy has aided her peers through participation in a number of workshops and seminars. She has even presented a research paper in Durham, England, at the International Neurological Symposium. And she has coauthored three professional publications regarding developmental cognitive neurolinguistics.

I salute Cindy's remarkable achievements not only as an educator, but also as a citizen who is ensuring our society has the resources it needs to succeed. Our children, after all, reap the rewards of the hard work and determination that people like Cindy possess. She is a truly gifted educator who has made a tremendous difference in the lives of so many.

ROOSEVELT WILSON: A PILLAR IN THE COMMUNITY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. MEEK of Florida. Mr. Speaker, I rise today to honor a man who is closing one chapter in his illustrious career. Mr. Roosevelt Wilson or "Prof. Wilson", as his journalism students call him, is being honored tonight in Tallahassee, Florida. After nearly 18 years of teaching journalism, Mr. Wilson is retiring from the Florida A&M University School of Journalism, Media and Graphic Arts, and is being recognized at a special retirement banquet in his honor from Florida A&M University. Tonight journalism students, family, friends, former athletes and community leaders will gather to honor and pay tribute to this remarkable man who has influenced and touched so many lives.

Throughout many crossroads in my personal and professional career, Mr. Wilson has played a critical role. As a high school senior who was eager to play for the world-famous Florida A&M University Rattler football team, Mr. Wilson helped me and countless other athletes secure scholarships. As Sports Information Director and Director of Intercollegiate Athletics at Florida A&M University, Mr. Wilson's wisdom and real-world advice were inspirational to thousands of bright-eyed student athletes with dreams of gridiron success.

In 1991, Mr. Wilson embarked on a new venture as publisher of a weekly African-American Newspaper, the Capitol Outlook. With the help of family and friends, Mr. Wilson turned a small weekly paper into an award-winning nationally recognized publication. Every week more than 16,000 readers across the state read this weekly paper for its political, community and feature coverage. As publisher of the Capitol Outlook, Mr. Wilson's weekly columns have won national awards and the newspaper has been cited for excel-

lence in editorial writing, public service, creativity and religion coverage. In addition, the Capitol Outlook was cited by the local Chamber of Commerce for business excellence.

Words are inadequate to describe Mr. Wilson's contribution to the publishing and broadcasting world. In 2000, Mr. Wilson's coverage of the Executive Order eliminating affirmative action in the state of Florida and the public outcry that ensued was recognized for its objectivity and fairness. Furthermore, his weekly call-in radio show "Against the Grain" has become one of the most popular radio shows reaching thousands of listeners across North Florida.

Throughout his professional career, Mr. Wilson has been honored for his community work and academic achievements on several occasions. In 1999, he was inducted into the Florida A&M University Sports Hall of Fame. He has also been recognized as Florida Teacher of the Year by Florida A&M University and the NAACP honored him with their Community Service Award.

As Florida A&M University honors Mr. Roosevelt Wilson, I praise this man for his boundless energy and his commitment to the University. I congratulate Mr. Wilson on his retirement and praise him for all that he has sacrificed on behalf of his students. Mr. Wilson's legacy as a teacher and educator will live on through the thousands of students who've passed through his classes and the thousands of athletes who've passed through his office door. His legacy as a wordsmith will continue to live on through his columns, pictures, articles, and radio broadcasts. I am honored to call him a friend and a mentor.

JAVITS-WAGNER-O'DAY PROGRAM

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ANDREWS. Mr. Speaker, for the past 64 years the Javits-Wagner-O'Day (JWOD) Program has empowered Americans who are blind or severely disabled by providing them with a diverse set of employment opportunities. Today 38,000 disabled Americans are realizing their potential by working in their local communities across the country under this program. These Americans are proud to provide federal and military customers with a wide array of SKILCRAFT® and other JWOD products and services. The JWOD Program prides itself on delivering high quality products and services at a competitive price in the most convenient way possible.

Some of the product categories offered by the JWOD program include office supplies, military specific, safety, maintenance, repair, medical-surgical, janitorial-sanitation, and customization. The services that are provided to the federal and military customer include but aren't limited to call center and switchboard operation, military base and federal office building supply centers, CD-Rom duplication-replication, data entry, document imaging and grounds care.

I rise today in support of the Javits-Wagner-O'Day Program and the opportunities it provides for an underemployed population of hard working Americans. Furthermore, I urge my colleagues to purchase SKILCRAFT® and

JWOD products from the House-Senate Stationary stores not only because of their quality and value, but also because of the socio-economic benefits that can come from supporting the program. By purchasing these products and using these services we are enabling more disabled Americans to have the opportunity to become taxpayers. Today in Runnemede, New Jersey, 34 blind Americans are employed under the JWOD Program and are producing high quality items or services for us, the federal customer.

The JWOD Program is administered by the Presidentially-appointed Committee for Purchase From People Who Are Blind or Severely Disabled, with much assistance from National Industries for the Blind (NIB) and NISH, which serves people with a wide range of disabilities. More than 650 local nonprofit agencies associated with NIB and NISH employ people who are blind or disabled to produce the quality products and offer the services authorized for sale to the federal government under the JWOD Program.

The JWOD Program is a great illustration of a successful partnership that has the ability to continuously grow with the changing procurement environment within the federal government.

The Javits-Wagner-O'Day Program works for America.

RECOGNIZING JOHN CLEARY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize John Cleary, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

John has been very active with his troop, participating in such scout activities as Camp Bartle and as a counselor at Camp Naish. Over the five years he has been involved in Scouting, he has earned 28 merit badges. Additionally, John has held numerous leadership positions, serving as patrol leader, senior patrol leader, quartermaster and chaplain aide. John also has been honored for his numerous Scouting achievements with such awards as the Arrow of Light Award, Foxman in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say, Warrior in the Tribe of Mic-O-Say and the Order of the Arrow Award.

For his Eagle Scout project, John planned and coordinated the replacement of playground equipment in his neighborhood park in Farley, Missouri.

Mr. Speaker, I proudly ask you to join me in commending John Cleary for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

ENERGY POLICY ACT OF 2003

SPEECH OF

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Friday, April 11, 2003

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 6) to enhance energy conservation and research and development, to provide for security and diversity in the energy supply for the American people, and for other purposes:

Mr. CASTLE. Mr. Speaker, I rise today to express my concerns with H.R. 6, "The Energy Policy Act of 2003," in particular, provisions to open the Arctic National Wildlife Refuge (ANWR) for drilling.

I support a strong, comprehensive national energy policy that promotes conservation, alternative fuels, and technologies, in conjunction with maintaining sound environmental practices. One thing that every Member of this Congress agrees on is that our nation needs an energy plan that has a strong balance between energy production and energy efficiency. I was pleased to hear President Bush once again lead the energy section of his State of the Union address with support for energy efficiency, especially his initiative to accelerate research into hydrogen fuel cells. This kind of long-term commitment will help our country shift to more environmentally friendly energy sources. We must maintain proper levels of funding for renewable energy research, so renewable energy can become a greater proportion of our nation's energy supply in the long run.

Although The Energy Policy Act of 2003 contained several conservation measures, including close to \$7 billion for tax credits for the use of alternative fuels and conservation, the proposal also contained an additional \$12 billion in production-related tax incentives to coal, oil, and gas industries. Even so, experts predict the shortage of natural gas supplies will continue suggesting that tax policy alone is not sufficient to address the crisis in natural gas. Therefore, these tax measures combined with the proposal to open ANWR for drilling led me to oppose H.R. 6.

I believe we have a responsibility to preserve and protect our environment. As you know, whether or not to drill for oil in ANWR has long been a controversial subject. I believe there are other ways to ensure the United States has a national energy policy other than disturbing a pristine wildlife refuge. Proponents of drilling for oil in ANWR have not made an adequate case to me, and therefore, I support an amendment to strike the language in H.R. 6 proposing to open ANWR to drilling.

The U.S. Geological Survey reports that there are only 3.2 billion barrels (6 months' supply) of economically recoverable oil in ANWR. In contrast to ANWR's 6 month oil supply, natural gas from Alaska's North Slope would provide a 10 month supply. There is consensus from all sides that this natural gas should be piped to the lower 48 states, but there is disagreement on the location of the pipeline. I support efforts to make a final determination so this pipeline can be built quickly, but safely. Other sources of energy on the North Slope include a 13 month supply in the

North Slope Reserves and a 3 year supply at West Sac.

I know that energy efficiency alone will not be able to meet our country's current energy needs, we must begin to make a stronger commitment to alternative fuels and conservation as ways to improve our environment and boost this Nation's struggling economy. As this debate now moves forward, Congress must seize this opportunity to put these important efforts at the forefront of a comprehensive national energy policy.

I am committed to finding solutions to the energy crisis that strike a proper balance between conservation and production. I am hopeful that The Energy Policy Act of 2003 will represent a balanced, more fiscally responsible proposal when I have the chance to vote on the House-Senate Conference Report on this bill later in the 108th Congress.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. BLUMENAUER. Mr. Speaker, on Friday, April 11, 2003, I was absent due to participation in a previously scheduled conference.

On rollcall votes numbered 142, 143, and 144, I would have voted "yea."

I would have voted to support an amendment by Representative KIND to strike Title II of the Energy Bill (#142). Title II would not only increase oil and gas drilling on sensitive public lands without ensuring environmental protections, but it would also provide royalty relief to these industries. The American public and Federal Treasury need these royalty payments in order to fully fund the Conservation Trust Fund, which pays for many of our nation's parks, refuges, wildlife protections, open space, and contributes to the preservation of our historic and cultural resources.

I would have also voted to support Representative RAHALL's amendment to strike Division C, Title III of the Energy Bill (#143). I oppose these provisions that provide benefits to certain coal companies at the detriment of competition within the coal industry, taxpayers, and the environment.

Finally, I would have voted in support of Representative DINGELL's motion to recommit the Energy Bill (#144). I support Mr. DINGELL's efforts to substitute a hydroelectric energy title that would have offered increased protections for fish and wildlife.

On rollcall vote numbered 145, I would have voted "nay." The statement that I submitted for the RECORD during the debate on the Energy Bill provides an explanation of why I voted against final passage of H.R. 6.

TRIBUTE TO WILLIE BELL "MISS HONEY" WALLACE

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to pay tribute to the life and accomplishments of Mrs. Willie Bell Wallace of

the Town of Cruger, Mississippi. At 100 years old, Mrs. Willie Bell Wallace, the oldest Mississippi's citizen from the Town of Cruger, died on Sunday, March 30, 2003.

Mrs. Willie Bell Wallace was born November 2, 1902. She wedded Will Wallace and together they had three children. Unfortunately, two of her children preceded her in death.

She is survived by her grandchildren, great grandchildren, nieces and nephews. She was well known, loved, and honored by all the citizens of Cruger and many in the Holmes County area of Mississippi.

Affectionately known as "Miss Honey", she enjoyed good health all of her life, and God blessed her with a "sound" mind until she closed her eyes in death.

"Miss Honey", you will be missed, but I know you are in a better place now. God bless you and your family.

HONORING CHARLES MICHAEL PEDERSEN FOR EARNING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Charles Michael Pedersen, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 218, and in earning the most prestigious award of Eagle Scout.

Charles has been very active with his troop, participating in such scout activities as the 2001 National Scout Jamboree, Camp Geiger, Camp Geiger Staff in 2000, 2001, and 2002, and junior leadership training in 2002. Over the 11 years he has been involved in scouting, he has earned 29 merit badges. Additionally, Charles has held numerous leadership positions, serving as senior patrol leader, assistant senior patrol leader, troop guide, troop instructor, troop historian, and assistant patrol leader. Charles also has been honored for his numerous scouting achievements with such awards as the Arrow of Light Award, Camp Geiger Staffman of the week in 2001, Lone Bear Council in the tribe of Mic-O-Say and Tom-Tom Beater in the tribe of Mic-O-Say.

THE HUMANITARIAN ASSISTANCE TO COMBAT HIV/AIDS IN SUB-SAHARAN AFRICA AND THE CARIBBEAN AND NATIONAL SECURITY ACT OF 2003

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to introduce the Humanitarian Assistance to Combat HIV/AIDS in Sub-Saharan Africa and the Caribbean and National Security Act of 2003.

I have long been concerned with the problem of HIV/AIDS, not just in our own country, but also as it affects the poor countries of the world. I am proud that the response to this disease has been truly a bipartisan one. AIDS is blind to party stripes or political affiliation.

Mr. Speaker, my bill provides for an additional \$2.5 billion over the next five years to increase and expand, in a significant way, our program to fight HIV/AIDS in sub-Saharan Africa and the Caribbean. My legislation also calls for the Administration to place a medical officer in each of our embassies to help coordinate our response to this disease. The scientific community has not yet found a cure for HIV/AIDS, but there is a vast body of knowledge that has improved in a significant way the quality of treatment for those who have HIV and AIDS.

Sub-Saharan Africa is far more severely affected by AIDS than any other part of the world. In fact, AIDS has surpassed malaria as the leading cause of death in sub-Saharan Africa, and it kills many more people than armed conflicts.

The statistics, Mr. Speaker, are startling. Africa, where an estimated 3.5 million people were newly infected with HIV in 2002, has approximately 10 percent of the world's population but more than 70 percent of the worldwide total of people infected with HIV. In 2002, the Joint United Nations Program on HIV/AIDS (UNAIDS) reported 29.4 million people were living with HIV/AIDS in sub-Saharan Africa. At the end of 2001, an estimated 21.5 million Africans had lost their lives to AIDS, including an estimated 2.2 million who had died during that year alone. UNAIDS estimates that by 2020, an additional 55 million Africans will lose their lives to this illness. This pandemic is having a much greater impact on children in Africa than is the case in other parts of the world.

According to UNAIDS, more than 600,000 African infants become infected with HIV each year through mother-to-child transmission, either at birth or through breast-feeding. These children have short life expectancies, and the number currently alive may be about one million children.

In 2001, about 11 million children became orphans by AIDS in Africa. Because of the stigma attached to AIDS, children who become orphans by AIDS are at high risk for being malnourished, abused, and denied an education.

While the AIDS epidemic in the Caribbean countries does not compare to the severity of the pandemic in Africa, there are an estimated 420,000 people living with AIDS in Caribbean countries. Moreover, the HIV/AIDS adult prevalence rate in several countries in the Caribbean is among the highest outside of sub-Saharan Africa.

Mr. Speaker, the toll of this disease has brought unspeakable sorrow and distress to Africa, the Caribbean, and other areas of the world. Our government has made a very good effort to address this disease in Africa and elsewhere; indeed we are in the forefront of the battle. Notwithstanding this fact, if we are to be successful in saving our brothers and sisters in Africa and the Caribbean, we must expand our effort in these regions significantly. That is the purpose of this legislation, Mr. Speaker. With the additional resources, both financial and human, provided for in my legislation, we can begin to stem the tide of this disease. We know what works in the effort to combat HIV/AIDS and we need to get on about the business of doing it.

Mr. Speaker, America is a great country. In the long history of mankind, our greatness will be measured as much by what we do for the needy and the less fortunate of the world as

it is by the quality of life we achieve in our own country. The real measure of our humanity as a nation is our ability to share our treasure, our time, and our talents with the truly needy.

If Congress does not further America's commitment to the global war on HIV/AIDS, then it is doing a disservice to the entire world community. I ask my colleagues for their support for this legislation, and I urge the leadership to bring it to the floor for its immediate consideration.

HONORING DR. HERBERT S. MOYER, ON HIS 75TH BIRTHDAY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. DINGELL. Mr. Speaker, I rise today to acknowledge and celebrate my dear friend Dr. Herbert S. Moyer on the occasion of his 75th birthday. Over the course of his lifetime, Dr. Moyer has proven himself to be a passionate and effective educator, a committed community servant and a loving husband, father and grandfather.

A lifelong Michigan resident, Dr. Moyer worked as both a teacher and school administrator before becoming Superintendent of the Bedford Public Schools in 1984. Herb retired from the same position 13 years later, having provided stable and visionary leadership for the Bedford Schools. Dr. Moyer's professionalism and accomplishments earned him the Michigan Superintendent of the Year distinction in 1994. More importantly, under Dr. Moyer's direction, the Bedford Public Schools made tangible and steady progress in academic achievement. Herb also advocated unique partnerships with community organizations that enabled Bedford residents to benefit from resources the school district owned and, in turn, enabled the school district to benefit from the collective good-will and talents of all of its residents.

Once retired, Herb abided the same sense of community service evident from when he served in the United States Army in both Germany and Austria. Dr. Moyer successfully ran for a seat on the State Board of Education and has served to help guide educational policy for the entire State of Michigan in this position since 1996. Herb is also an ordained Presbyterian Elder, remains active with the Monroe Chamber of Commerce and the Monroe Democratic Party. As part of his legacy in the Bedford Public Schools, Herb funds a \$1,000 scholarship to be awarded annually by the Bedford PTA to the student who has demonstrated outstanding academic and volunteer achievement.

Mr. Speaker, I am humbled and honored to count such an accomplished and distinguished man and public servant amongst my friends. I ask that you join me in congratulating Dr. Herbert Moyer on his 75th birthday and in wishing him and his wife, Lonnie Peppler Moyer, many more happy years of life, marriage and service to his community.

SMALLPOX VACCINE

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WAXMAN. Mr. Speaker, today the House of Representatives passed legislation authorizing a smallpox vaccine compensation program for first-responders. The legislation we passed today is an improvement over the legislation that the House rejected several weeks ago. Under the plan we passed today nurses, firefighters and other first-responders will not have to rush to be vaccinated in order to make an arbitrary deadline for compensation eligibility. First-responders who are permanently disabled as a result of the smallpox vaccine will receive a portion of their wages that is not subject to a lifetime cap. And first-responders who are out of work for more than ten days will receive reimbursement for lost wages from the first day of work that they missed.

These are important improvements. However, the program still falls short and I am disappointed that the Administration nickle-and-dimed first-responders throughout this process. The Republicans refused to guarantee these brave men and women who volunteer to take the smallpox vaccine to protect all of us in case of a bioterror attack at the same level of compensation that would be available to members of Congress if we are injured on the job. Nurses, firefighters, and police officers deserve a better law than this. Given that the risk of injury from the vaccine is several tens per million, and the Administration only expects to vaccinate several million, ensuring full and fair compensation would certainly have been affordable.

I want this program to work. I want first-responders to have adequate access to compensation so they feel comfortable about taking the smallpox vaccine. If this program is going to succeed, the Administration is going to have to make good on promises it made to us that it refused to put in the legislation. These promises include: assuring adequate funding so that states can provide appropriate education and screening of first-responders volunteering for the vaccine; indexing the annual cap on wage replacement to inflation; and allowing first-responders who are injured by the vaccine to deduct their compensation from their federal taxes. In response to concerns that the legislation does not allow for judicial review of compensation determinations, the Administration has said that the Secretary of Health and Human Services intends to run this program in a fair and generous way. Ensuring that these promises are fulfilled is a critical component of meeting that pledge.

I would like to thank Representative CAPPS, Representative DINGELL, Representative BROWN, Senator KENNEDY and others, as well as their staffs, for their commitment to this issue and for working with me for the last six months to improve this program so that first-responders will have some assurance that if they are injured by the smallpox vaccine, they will receive at least some measure of compensation.

RECOGNIZING ANDREW FISHER
FOR ACHIEVING THE RANK OF
EAGLE SCOUT**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Andrew Fisher, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 249, and in earning the most prestigious award of Eagle Scout.

Andrew has been very active with his troop, participating in such scout activities as Camp Bartle and Philmont. Over the five years he has been involved in scouting, he has earned 32 merit badges. Additionally, Andrew has held numerous leadership positions in his troop, serving as Assistant Senior Patrol Leader, Senior Patrol Leader and Quartermaster. Andrew also has been honored for his numerous scouting achievements with such awards as the Foxman in the Tribe of Mic-O-Say, Brave in the Tribe of Mic-O-Say, Warrior in the Tribe of Mic-O-Say, Firebuilder in the Tribe of Mic-O-Say, Tom-Tom Beater in the Tribe of Mic-O-Say, the World Conservation Award, and the 50 Miller Award.

For his Eagle Scout project, Andrew prepared a landscaping and renovation project for a memorial to a fallen firefighter in Weston, Missouri.

Mr. Speaker, I proudly ask you to join me in commending Andrew Fisher for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE CLASS FROM
DULUTH CENTRAL HIGH SCHOOL**HON. JAMES L. OBERSTAR**

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. OBERSTAR. Mr. Speaker, on April 26, 2003, more than 1200 students from across the United States arrived in Washington, D.C. to compete in the national finals of the We the People: The Citizen and the Constitution program, the most extensive educational program in the country developed specifically to educate young people about the U.S. Constitution and the Bill of Rights. Administered by the Center for Civic Education, the We the People program is funded by the U.S. Department of Education by an act of Congress.

I am proud to announce that the class from Duluth Central High School from Duluth will represent the State of Minnesota in this national event. These young scholars have worked conscientiously to reach the national finals by participating at local and statewide competitions. As a result of their experience they have gained a deep knowledge and understanding of the fundamental principles and values of our constitutional democracy.

The three-day We the People national competition is modeled after hearings in the United States Congress. The hearings consist of oral presentations by high school students before a panel of adult judges on constitutional topics.

The students are given an opportunity to demonstrate their knowledge while they evaluate, take, and defend positions on relevant historical and contemporary issues. Their testimony is followed by a period of questioning by the judges who probe the students' depth of understanding and ability to apply their constitutional knowledge.

The We the People program provides curricula materials at upper elementary, middle, and high school levels. The curricula not only enhances students' understanding of the institutions of American constitutional democracy, but it also helps them identify the contemporary relevance of the U.S. Constitution and Bill of Rights. Critical thinking exercises, problem-solving activities, and cooperative learning techniques help develop participatory skills necessary for students to become active, responsible citizens.

Independent studies by the Educational Testing Service (ETS) revealed that students enrolled in the We the People program at upper elementary, middle, and high school levels "significantly outperformed comparison students on every topic of the tests taken." Another study by Richard Brody at Stanford University discovered that students involved in the We the People program develop greater commitment to democratic principles and values than do students using traditional textbooks and approaches. Researchers at the Council for Basic Education noted,

"[T]eachers feel excited and renewed. . . . Students are enthusiastic about what they have been able to accomplish, especially in terms of their ability to carry out a reasoned argument. They have become energized about their place as citizens of the United States."

The class from Duluth Central High School is currently preparing for their participation in the national competition in Washington, D.C. It is inspiring to see these young people advocate the fundamental ideals and principles of our government, ideas that identify us as a people and bind us together as a nation. It is important for future generations to understand these values and principles which we hold as standards in our endeavor to preserve and realize the promise of our constitutional democracy. I wish these young "constitutional experts" the best of luck at the We the People national finals.

TRIBUTE TO G. WILLIAM WARD

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SHUSTER. Mr. Speaker, I rise today to congratulate G. William Ward for earning the Blair County Chamber of Commerce Lifetime Achievement Award for Business Advocacy and the National Distinguished Eagle Scout Award given by the Penns Woods Council of the Boy Scouts of America. Both awards will be presented to Mr. Ward at a dinner in his honor cosponsored by both award giving parties.

G. William Ward is a resident of Blair County, Pennsylvania and currently serves as the President and Chairman of the Board of Ward Trucking Corporation. During his tenure with Ward Trucking, he has accumulated an impressive list of professional achievements and

has always demonstrated a strong commitment to community service. In 1967, when Mr. Ward became the newly-elected president of Ward Trucking, he quickly established a strong presence in Blair County by opening a new Altoona terminal and maintenance hub as well as two new local warehouses. Just two years later, Ward Trucking celebrated the opening of a new general office complex, which made Altoona the official headquarters of the company. Under Mr. Ward's leadership, the trucking company has experienced numerous successes. In 1997, the Ward Trucking Corporation was inducted into the Blair County Business Hall of Fame for being an outstanding corporate citizen and being a "vital component of the continued thrust for the economic development and improved business climate in Blair County." Five years later, that sentiment still holds true today. Mr. Ward has been instrumental in the growth and strength of the Ward Trucking Corporation. During his tenure as President and Chairman of the Board, the company has more than doubled its workforce, grew revenue from \$7 million to more than \$96 million at the end of 2001, and expanded service from two to eleven states.

Mr. Speaker, in addition to being an excellent business advocate for the community of Blair County and surrounding areas, Mr. Ward is also a dedicated volunteer. He is especially involved with a nationally recognized community service organization, the Boy Scouts. He has served in numerous capacities, from a Den Leader to Vice-Chairman of the Camp Development Fund Campaign. Mr. Ward is an excellent role model and is always very generous with his time. Mr. Ward and his family are also very generous with financial contributions. They have a long history of donating, whether personally or through Ward Trucking, to a wide variety of worthy organizations in their community.

Mr. Speaker, I urge my colleagues to join me in congratulating G. William Ward for receiving both the Blair County Chamber of Commerce Lifetime Achievement Award for Business Advocacy and the National Distinguished Eagle Scout Award. I encourage Mr. Ward to continue to strive to achieve new business goals and to also remain such an active and caring member of his community. I wish him the best of luck in all his future endeavors.

NATIONAL CHAMPIONS SYRACUSE
UNIVERSITY

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SWEENEY. Mr. Speaker, I am here today to offer my congratulations to the 2003 NCAA Division I Men's Basketball National Champions, the Orangemen of Syracuse University.

These young men started the season unranked and became the number one team in the nation—marking the first time in college basketball history this impressive feat has been accomplished.

This success would not have been possible if not for the coaching abilities of Jim

Boeheim. For twenty-seven seasons, Coach Boeheim has been a constant in college basketball. From the inaugural Big East Conference season, through two heart-breaking losses in the championship games of 1987 and 1996, and even through prostate cancer surgery last season; Coach Boeheim has remained dedicated to his players. Over the years, Coach Boeheim and his staff have turned upstate New York from a blanket of white snow into a sea of orange and blue the whole state has embraced.

A perfect example of the state-wide support directed towards the Orangemen was embodied at the East Regional Finals held in Albany, NY, where thousands of Syracuse fans from around the state and country flocked to the Capitol Region. Albany gladly allowed them to make the Pepsi Arena their "Dome away from home."

I would like to recognize the individual members of the Syracuse team. The 2003 Orangemen team included: Gerry McNamara, Keith Duany, Hakim Warrick, Billy Edelin, Jeremy McNeil, Josh Pace, Tyrone Albright, Josh Brooks, Xzavier Gaines, Matt Gorman, Gary Hall, Ronnell Herron, and Andrew Kouwe.

There are two members of the team deserving special acknowledgement. The first is Craig Forth, the starting center of the team, who was born and raised in the 20th Congressional District, in East Greenbush, NY. In addition to having one of his best games in the National Championship against Kansas, Craig is also an outstanding student, maintaining a 3.86 GPA and being named a Big East Conference Academic All-Star.

Finally, I would like to recognize the Big East Freshman of the Year, the National Freshman of the Year, and the Final Four MVP, Carmelo Anthony. Carmelo has been one of the most exciting freshmen players in years. I am sure all Syracuse fans, including my colleagues from the NY delegation, would join me in asking Carmelo to consider "One More Year!"

HONORING TEXAS TECH'S MALE
ATHLETE OF THE YEAR,
LENNARD CHRISTENSEN

HON. LARRY COMBEST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. COMBEST. Mr. Speaker, I rise today to recognize and honor Lennard Christensen, who has been named Male Athlete of the Year of Texas Tech University.

Lennard began playing with the Texas Tech football team in 1999. In the fall of 2000–2001 he was named to the Big Twelve Academic first team. He excelled on special teams and always inspired his teammates with his positive attitude. Even though he was not a starter on defense, Lennard nonetheless earned enough respect from his teammates to receive many votes for Team Captain.

In addition to his dedication to Red Raider football, Lennard served as President of the Texas Tech Student Athlete Advisory Committee and the Big Twelve Student Athlete Advisory Committee. In 2001, he graduated

Summa Cum Laude from Texas Tech with a Bachelors degree in Business Administration and is currently maintaining a 4.0 in Tech's M.B.A. program. As if these accomplishments on the athletic field and in the classroom were not enough, Lennard is currently applying his many talents and work ethic in my office as an intern under the Texas Tech President's Congressional Intern Program for the Spring 2003 semester. He is a valuable asset to me and my staff under this program which enables students to learn firsthand about the legislative process.

It is with great pride and pleasure, Mr. Speaker, that I call to my colleagues' attention the outstanding achievements of this dedicated and motivated young man, who is has brought a great credit to his generation, his school and our fine State. Lennard is truly a born leader, whose future is bright. I am confident that he will continue to set lofty goals, and will not stop working hard to attain them. I congratulate him on this distinct honor and wish him all the best in the future.

LEGISLATIVE BRANCH
APPROPRIATIONS

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. CAMP. Mr. Speaker, I submit the following letter for the RECORD:

Hon. JACK KINGSTON,
*Chairman, Legislative Branch Appropriations
Subcommittee, Washington, DC.*

DEAR CHAIRMAN KINGSTON: I am writing to ask your support for including H.R. 921, a bill I introduced, as an amendment into the base bill of the Legislative Branch Appropriations bill.

My amendment requires that unused Congressional office funds from Members' Representational Allowances be returned directly to the Treasury at the end of the year for debt reduction. For the last several years, I have introduced this amendment to the Legislative Branch Appropriations bill regarding the use of unspent office funds. Taxpayers for Common Sense, Citizens Against Government Waste, the Concord Coalition, and Citizens for a Sound Economy have all supported this amendment in the past.

I believe that this amendment provides a good incentive for Members to spend taxpayer funds responsibly and lead by example in our efforts to reduce the national debt. Without this amendment, unexpended Members' Representational Allowances can be "reprogrammed" for other budget purposes, frustrating the frugal efforts of many Members. Let's keep practicing sound spending practices and keep us moving towards reducing our enormous national debt.

Since this amendment has continuously passed with strong support, I would like you to consider including it in the base bill. I have enclosed a copy of the amendment for your consideration. If you have any questions, please do not hesitate to contact me or Brian Sutter on my staff at 5-3561. I look forward to working with you on this issue.

Sincerely,

DAVE CAMP,
Member of Congress.

RECOGNITION OF CAPTAIN TRAVIS FORD

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. OSBORNE. Mr. Speaker, I rise to recognize the outstanding accomplishments of Captain Travis Ford, formerly of Ogallala, Nebraska. Captain Ford was one of the thousands of men and women who were called to serve in Operation Iraqi Freedom.

Captain Travis Ford was born in Saint Paul, Nebraska, in 1973. At the age of two, Captain Ford's family was told that he had developed a heart murmur and only had one year to live. Captain Ford did not let that stop him. In 1991, as an Ogallala High School graduate, he received the Dutch Cup, and was named the male athlete of the year. He was all-conference in football and named conference champion in wrestling.

After high school graduation, Captain Ford enlisted in the United States Marine Corps as an Engineer Equipment Operator. But he decided he had more to offer his country. Captain Ford pursued and achieved a Bachelors Degree in Accounting and completed officer training at the University of Nebraska at Lincoln. Captain Ford also participated in extracurricular activities at the University by becoming a member of the yell squad. It was during a Nebraska football game that Captain Ford proposed to his wife, Deon, with the help of the other cheerleaders.

Captain Ford, like many Nebraskans, strived to accomplish more and set higher goals, which took him around the country. In May of 1997, Captain Ford was commissioned as a Second Lieutenant in the United States Marine Corps. He attended Field Artillery Officer's Basic Course at Fort Sill, Oklahoma and was assigned to the 2nd Battalion, 11th Marines. Captain Ford achieved his ultimate goal when he was accepted in the Fleet Accession Program in Pensacola, Florida, to train as a helicopter pilot. Captain Ford excelled and graduated second in his class, and earned his Wings of Gold. Captain Ford eventually made his way to Camp Pendleton, California, where he trained to fly the AH-1 Super Cobra helicopter.

Captain Ford's passion to fly Super Cobra helicopters took him to Iraq, where he honorably served his country. Sadly, Captain Ford did not see the outcome of his hard work and dedication because Captain Travis Ford was killed in the line of duty on April 4, 2003, before the end of hostilities.

Captain Ford leaves behind his supportive and loving wife, Deon, and two-year-old daughter, Ashley; his mother, Josie Ford; brothers Alex, Trevor, Mike, Todd and Matt; as well as his brothers' families.

I want to thank Captain Ford's family for their sacrifice to our country. They are in our thoughts and prayers.

HONORING PETER R. BENEVENTO

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. McGOVERN. Mr. Speaker, I rise today in recognition of Assistant Special Agent In

Charge Peter R. Benevento on his retirement after many years with the Internal Revenue Service.

In October of 1975, Mr. Benevento began his career with the Internal Revenue Service, later transferring to the Criminal Investigation division in 1977. Serving as a CI Special Agent, he worked in Manhattan from 1977 to 1985, and then out of Albany from 1986 to 1993. In July of 1993, Mr. Benevento became a manager in Stoneham, Massachusetts.

As a manager of Group 7 in Boston, Mr. Benevento worked on numerous narcotics cases, coordinating closely with other agencies, and displaying unyielding dedication. For two years he served as the coordinator of the IRS Organized Crime and Drug Enforcement Taskforce. Over the years Mr. Benevento has been involved in a variety of important cases, ranging from legal income tax cases to those focusing on public corruption. In January of 2002, Mr. Benevento became Assistant Special Agent in Charge of the Boston Field Office, which has jurisdiction over New England. This is the position from which he will now retire from service in the IRS.

Through his dedication, hard work, and record of accomplishment, Mr. Benevento has earned the admiration and respect of his co-workers. It is a great pleasure to offer my sincere congratulations and appreciation for all of his accomplishments.

Mr. Speaker, I am certain that the entire House of Representatives joins me in extending best wishes to Mr. Benevento and his wife Marion for a happy and healthy retirement.

JAMES A. WILDING RETIRES AS PRESIDENT AND CHIEF EXECUTIVE OFFICER OF THE METROPOLITAN WASHINGTON AIRPORTS AUTHORITY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. WOLF. Mr. Speaker, I rise today to recognize James A. Wilding on the occasion of his retirement as president and chief executive officer of the Metropolitan Washington Airports Authority (MWAA). Jim has been responsible for the management of two of our most important airports in the country—Washington Dulles International Airport and Ronald Reagan Washington National Airport.

The very first bill I introduced when I came to Congress sought to move control of Dulles Airport from the Federal Aviation Administration to the Commonwealth of Virginia. In 1987, that idea took a new and expanded form. After several years of work with the administration, Transportation Secretary Elizabeth Dole and members of Congress on both sides of the aisle and both sides of the Capitol, President Reagan signed into law legislation getting the Federal Government out of the airport business. The new law established the Metropolitan Washington Airports Authority and placed both Dulles and the now-named Reagan National airports under local control.

As a career Federal employee at the Federal Aviation Administration, Jim Wilding had been the general manager of the FAA's Metropolitan Washington Airports organization. He was on the ground floor laying the foundation

for the milestone event of 1987 and some could even say working hard to eliminate his job.

But, when it was time to turn over control of the airports to a local authority, there was no question about who should lead the new operation. Through Jim's vision and expertise, both Dulles and Reagan National airports have thrived. He has led the airports through the transition away from Federal operation, through rapid growth, and now into the new post-September 11 security framework. His success is the result of intimate knowledge of the workings of modern airports and his total dedication to his craft.

Jim began his career with the Federal Aviation Administration soon after graduating from the Catholic University of America in 1959 with a graduate degree in civil engineering. At the FAA, he participated in the original planning and development of Washington Dulles International Airport.

Following the opening of Dulles in 1962, Jim held progressively responsible positions in all phases of engineering for the two federally owned airports, eventually becoming the organization's chief engineer. He served as chief engineer until becoming the airports' deputy director in 1975, and then its director 4 years later, a position he held until the airports' transfer in 1987, when he assumed his current position.

As president and CEO of the Airports Authority, Jim has overseen passenger activity at National and Dulles Airports nearly double to 31 million passengers in 2002. With this growth, he has managed a massive capital development program at both airports totaling well over \$3 billion. Under Jim's leadership, Reagan National Airport was modernized in 1997 with a new terminal building including major improvements to airport traffic management and Metro system connections. At Dulles, he directed the expansion and construction of new concourses and the building of the airport's first parking garages, and has under way now a \$3.2 billion capital improvement project. In tandem with the airport's growth, the Smithsonian Institution will open its new Air and Space Museum annex later this year located at Dulles Airport.

Dulles Airport has been called the fuel that drives the northern Virginia economy. It is no mystery why so many businesses occupy land along the Dulles Toll Road which, when Dulles was built, was farmland. Dulles provides convenient access for business as well as leisure travelers to destinations all over the United States as well as the entire world.

Jim Wilding could very well also have the title of "Mr. Washington Airports." But his career hasn't just been highlighted with local accolades. His outstanding performance has earned him a national and international reputation as an aviation industry expert.

Jim has been such an integral part of Washington's airports that it will be hard to imagine Dulles and Reagan National without him. On behalf of all members of Congress throughout the years who have used these airports, all the citizens of northern Virginia and the entire metropolitan Washington region, and the entire aviation community, I extend congratulations and best wishes to James A. Wilding on the occasion of his retirement and express deepest gratitude for his exemplary career in public service.

THE PROTECTION OF LAWFUL
COMMERCE IN ARMS ACT**HON. TOM UDALL**

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. UDALL of New Mexico. Mr. Speaker, I rise today in opposition to H.R. 1036, the Protection of Lawful Commerce in Arms Act. As a former federal prosecutor and the Attorney General of New Mexico, I have seen first hand that crimes committed with guns are among the most heinous, and should be prosecuted as quickly and forcefully as possible.

That is what concerns me most about H.R. 1036. Unfortunately, regardless of the criminal actions taken, it provides the gun industry with unprecedented immunity against civil liability prosecutions arising from such actions. Furthermore, in many cases it exempts manufacturers and dealers from product liability and provides disincentives to the industry to ensure that their products are safe. This legislation radically rewrites well-accepted principles of liability law by depriving gun violence victims of their legal rights in cases involving industry misconduct and negligence. If this bill is enacted, citizen lawsuits will no longer provide the primary mechanism to hold the gun industry accountable for its actions.

The bill only holds the gun industry accountable for physical injuries or property damage resulting directly from a defect in design or manufacture of the product "when used as intended." Furthermore, it only provides a remedy for gun transactions that cause injury if the dealer had knowledge prior to the transaction that the firearm would be used to commit a violent crime or to traffic drugs. This bill diminishes and limits a victim's recourse against intentional and unintentional conduct.

Amazingly, this bill is retroactive. It would provide for the dismissal of all pending litigation that falls outside of its limited exceptions. A case that is familiar to us all demonstrates the ramifications of this bill. The legal counsel for the families of the recent sniper shootings in the DC area alleges that a west coast arms dealer "intentionally and willfully" chose to sell and distribute firearms in a grossly negligent manner, ignoring state and federal laws designed to keep guns out of the hands of dangerous persons. Furthermore, the families claim that if the dealer had acted responsibly in the sale of its guns, the sniper suspects would not have been able to obtain the assault rifle they used to carry out their shootings. Regardless of the veracity of these allegations, this case would be dismissed under the provisions of H.R. 1036 unless the sniper suspects clearly indicated to the dealer that they intended to carry out their recent shooting spree. I think that goes too far.

The bottom line is this legislation is bad public policy. This bill illuminates the majority's willingness to erode an individual's protections from corporate wrongdoing. I oppose passage of this bill and urge my colleagues to do so as well.

REMEMBERING THE ARMENIAN
GENOCIDE

SPEECH OF

HON. MICHAEL E. CAPUANO

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, April 9, 2003

Mr. CAPUANO. Mr. Speaker, I rise for the fifth consecutive year to commemorate a people who despite genocide, hardship, and betrayal have persevered. April 24, 2003, marks the 88th anniversary of the Armenian Genocide.

Throughout three decades in the late nineteenth and early twentieth centuries, millions of Armenians were systematically uprooted from their homeland of three thousand years and deported or massacred. From 1894 through 1896, three hundred thousand Armenians were ruthlessly murdered. Again in 1909, thirty thousand Armenians were massacred in Cilicia, and their villages were destroyed.

On April 24, 1915, two hundred Armenian religious, political, and intellectual leaders were arbitrarily arrested, taken to Turkey and murdered. This incident marks a dark and solemn period in the history of the Armenian people. From 1915 to 1923, the Ottoman Empire launched a systematic campaign to exterminate Armenians. In eight short years, more than 1.5 million Armenians suffered through atrocities such as deportation, forced slavery and torture. Most were ultimately murdered.

I have had the privilege of joining my colleagues in a letter to the President asking that he acknowledge the Genocide in his April 24th commemoration statement. It is my hope that the President will stand by this pledge he made in 2000. It is my hope that this will be one more step toward official recognition of the Armenian Genocide by the United States.

Many of our companions in the international community have already taken this final step. The European Parliament and the United Nations have recognized and reaffirmed the Armenian Genocide as historical fact, as have the Russian and Greek parliaments, the Canadian House of Commons, the Lebanese Chamber of Deputies and the French National Assembly. It is time for America to join the chorus and acknowledge the Armenians who suffered at the hands of the Ottoman Empire. And let me stress that I am not speaking of the government of modern day Turkey, but rather its predecessor, which many of Turkey's present day leaders helped to remove from power.

As I have in the past, as a member of the Congressional Armenian Caucus, I will continue to work with my colleagues and with the Armenian-Americans in my District to promote investment and prosperity in Armenia. And, I sincerely, hope that this year, the U.S. will have the opportunity and courage to speak in support of the millions of Armenians who suffered because of their heritage.

CONTINUED REPRESSION IN CUBA

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. BEREUTER. Mr. Speaker, this Member wishes to commend to his colleagues the April

12, 2003, editorial from the Lincoln Journal Star, entitled "Castro shows he is still a brutal tyrant." As the editorial correctly notes, Cuban dictator Fidel Castro's recent crackdowns on political dissent cannot be tolerated.

CASTRO SHOWS HE IS STILL A BRUTAL TYRANT

Early this year, the College of Journalism and Mass Communications at the University of Nebraska arranged a trip to Cuba for students in its depth reporting class.

The students made an effort to talk to dissenters, pro-democracy activists and independent journalists.

Today, six of the people they met are in prison, according to student Sarah Fox. In addition, two Cubans met by the UNL group have been identified as government spies, according to Professor Joe Starita, a leader of the visit.

Since March 18, Cuban dictator Fidel Castro has jailed more than 75 Cubans, including many in the recent Varela Project, which collected more than 10,000 signatures last year calling for a pro-democracy referendum.

Castro's latest round of suppression shatters hopes the 76-year-old autocrat will permit meaningful progress toward democracy near the end of his long stay in power.

The people jailed by Castro were guilty only of exercising freedoms—criticism of the government, political activism, independent journalism—that Americans take for granted.

Raul Rivero, a poet and independent journalist, already has been sentenced to 20 years in prison after pre-ordained legal proceedings. Also facing long prison sentences are economist Martha Beatriz Roque, labor activist Pedro Pablo Alvarez and editor Ricardo Gonzalez.

During the crackdown, government officials hauled the dissidents from their homes and confiscated tape recorders, fax machines, computers and clippings from American newspapers.

Amnesty International described the sentences as "a giant step backward for human rights." The U.S. State Department described them as "the most despicable act of political repression in the Americas in a decade." The Human Rights Watch said Cuba is "flouting fundamental human rights norms."

The level of repression in Cuba has fluctuated during the 43 years Castro has held power. In recent years, however, Castro seemed more tolerant of dissent, and he opened the doors of the island nation to tourists and international visitors.

Despite the welcome influx of foreign currency, Castro eventually felt threatened by the opposition movement in Cuba. Adding to Castro's paranoia was encouragement given to Castro's opponents by the American government.

The top U.S. diplomat in Cuba, James Cason, met with dissidents, offered them public support and allowed them to use U.S. facilities in Cuba for their meetings.

If Castro had been willing to continue loosening the reins of power, Cuba could have enjoyed the economic benefits of increased tourism and trade. Instead, his crackdown reaffirms that Castro is nothing more than a garden variety tyrant more interested in clinging to power than improving the lives of his people.

A PROCLAMATION RECOGNIZING
AIMEE NAGLE**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker,

Whereas, Aimee Nagle has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Aimee Nagle has shared her time and talent with the community in which she resides; and

Whereas, Aimee Nagle has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Aimee Nagle must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of West Lafayette and the entire 18th Congressional District in congratulating Aimee Nagle as she receives the Girl Scout Gold Award.

CONGRATULATING MICHAEL B. KITCHEN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to extend congratulations to Michael B. Kitchen, an outstanding business and community leader. On May 17, 2003, the National Ethnic Coalition of Organizations will bestow upon Mr. Kitchen the Ellis Island Medal of Honor in New York City. The Ellis Island Award honors an immigrant who exemplifies outstanding qualities in both their personal and professional life. Michael Kitchen, a Canadian and United States citizen, has shown through his significant contributions to the greater Madison area that he is richly deserving of this prestigious award.

Michael Kitchen has achieved a high level of professional success. After three years as head of the CUMIS Group of Canada, Mr. Kitchen was appointed President and CEO of its subsidiary, CUNA Mutual Group, in 1995. Since Michael Kitchen took over, the organization has achieved dramatic growth in revenue, significant improvement in productivity, and a near doubling of financial strength. Mr. Kitchen's work in this particular field has furthered economic growth not only in the Madison community, but worldwide.

Michael Kitchen is firmly committed to furthering the insurance and financial service industry. For more than thirty years he has worked tirelessly to foster the credit union movement. He serves on both the Board of Directors for the American Insurance Association and the U.S. Chamber of Commerce.

In addition, Michael Kitchen has a long record of service to the community. He is on the board of directors for the United Way of Dane County and the Greater Madison Chamber of Commerce. Both of these commitments show his strong sense of civic duty as he generously gives of his time and talent.

Today, I join the extensive circle of Michael Kitchen's friends and colleagues in offering my sincere congratulations for receiving this honor. Michael Kitchen is one of Wisconsin's best and we are proud to recognize him today.

IN RECOGNITION OF YOM HA'SHOAH—THE HOLOCAUST REMEMBRANCE DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of Holocaust Remembrance Day. More than fifty years have elapsed since world experienced the horrors of the Holocaust. Year-round, we actively battle against ignorance and disbelief through educating and informing others about the causes, realities, and legacies of the Holocaust. But there is one day during the year when we make a special effort to commemorate the Holocaust. Although no singular day stands out as representative of the destruction and suffering that spanned the years of the Holocaust, we set aside the day of Yom Ha'Shoah, which corresponds to the 27th of Nisan on the Hebrew calendar, to memorialize the tragedy and pay tribute to all who suffered.

Today, we remember those who endured, those who fought, and those who died during World War II. We recognize not only the loss of more than six million Jewish lives, but also the loss of human potential. Entire families were decimated during the terror that marked this dark time in history. We call to mind the descendants of victims of the Holocaust who never had the opportunity to make their contributions to mankind. And we recall the heroes who risked and surrendered their lives in the greatest fight for freedom and democracy the modern world has ever known.

Our greatest tribute to those millions who suffered at the hands of the Nazis will be to ensure that their memory will forever endure in our hearts. It is through our reflections on Holocaust Remembrance Day that we acknowledge our loss, and it is through our actions that we educate future generations and build a new world for them. The fires of hatred, which blazed so brightly in Europe from 1939 through 1945, have not yet burned out. They continue to smolder in the hearts of terrorists worldwide. Today we join in a solemn bond with the victims of the Holocaust to extinguish the fires of hatred and to ensure that the world will never suffer such a horrific tragedy again.

With contemporary illustrations of antagonism fresh in our minds, we marvel at the strength and character of the Jewish people. Their steadfast determination to rebuild their lives following the Holocaust has given the world a remarkable model of resolve. Through their example, we can glimpse the extraordinary human spirit that rises above the fruitlessness of anger and resentment. With this special day and with our deeds we honor that spirit. Mr. Speaker, we observe Holocaust Remembrance Day to always remember and never forget. I am proud to recognize Yom Ha'Shoah and urge all Americans to do the same.

TRIBUTE TO GEORGE C. EYRICH

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PORTMAN. Mr. Speaker, I rise today to honor the memory of George C. Eyrich, a dis-

tinguished Cincinnati lawyer, public servant and friend, who passed away on April 15, 2003.

George Eyrich was part of a family legacy of public service. He led the Hamilton County, Ohio Republican party for nine years with deft skill and gentle persuasion. His father, George F. Eyrich, Jr., also served as Hamilton County Republican Chairman and as a Municipal Court judge.

George C. Eyrich was a good listener, a gentle man and a wise counselor. When someone remarked that he was "too nice to be a politician," he responded that he just lived his words. George was the party chairman when I was a college student on the staff of the campaign of my predecessor in Congress, Bill Gradison, and for the later campaigns of President George H.W. Bush. He loved politics, and was a good mentor.

A lifelong resident of the Cincinnati suburb of Westwood, he graduated from Western Hills High School, Ohio Wesleyan University; the Harvard College of Business; and the University of Cincinnati College of Law. George served our nation as a Second Lieutenant in the United States Navy stationed in the Pacific during World War II. He practiced law in Cincinnati as a partner in Wesselman & Eyrich.

George served as treasurer of the Ohio State Central Committee; chairman of the Hamilton County Republican Central Committee's Policy Committee; and chairman of the Hamilton County Board of Elections. He was also very involved in civic affairs. He served as chairman of the Board of Trustees of St. Francis-St. George Hospital, and a member of the board of directors for the Public Library of Cincinnati and Hamilton County, the University of Cincinnati, and the Cincinnati Central YMCA.

Devoted to his wonderful family, George is survived by his wife of 60 years, Gertrude ("Trudy"); a son, David; two daughters, Carole and Janet; five grandchildren; and two great grandchildren.

All of us in Cincinnati are grateful for George's leadership and public service and we feel blessed for having known him.

IN RECOGNITION OF WILLIAM KAISER

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ISRAEL. Mr. Speaker, I rise today in recognition of William A. Kaiser, an outstanding volunteer firefighter from Halesite, New York.

After serving in the United States Coast Guard, Mr. Kaiser joined the Halesite Fire Department 50 years ago. He rose to the rank of Chief of Department, following in the footsteps of his father. He is still an active member of the Department today. Chief Kaiser is the epitome of what a volunteer fireman exemplifies: dedicated, caring, selfless, honest and trustworthy.

I commend Chief Kaiser for his dedicated service to firefighting on Long Island, and congratulate him on 50 years with the Halesite Fire Department.

TRIBUTE TO THEODORE MANSOUR

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. KILDEE. Mr. Speaker, I ask the House of Representatives to join me in honoring a great educator, Theodore Mansour, as he retires from his position as Director of State and Federal Relations for the Genesee Intermediate School District.

Ted, as his friends know him, joined the United States Army in 1944 after he graduated from St. Matthew High School that year. He served in the field artillery during his time in the Armed Forces. Resuming his education at the University of Notre Dame after his discharge from the military, Ted earned a degree in Business Administration majoring in Accounting. He put his business skills to work and served as the president of Mansour's Supermarkets for 15 years. He went on to be a partner in Lisa's Red Carpet Travel Agency, president of Mansour's Budget Market and is the current owner of the Jolly Olive Deli and Bar.

Paralleling his years of business experience, Ted also served in the public sector. During the time he was the supervisor of Flint Township, the landscape of that community was changed forever with the building of Genesee Valley Mall, the development of sewer and water systems and the construction of Carman High School. In addition to being a supervisor, Ted held the posts of Genesee County Supervisor and County Commissioner, a Michigan State Legislator for the 83rd District, a Flint Township Trustee, a member of the Michigan State Tax Commission and the Flint Township Planning Commission. Always committed to improving the quality of life in the Flint area, Ted has actively participated in the Genesys Health Systems Board, the Genesee Memorial Hospital Board, the Flint Heights Senior Citizens Housing Board, the Genesee County Food Service Advisory Board, the Boy Scouts of America, Tall Pines Council Executive Board, and the American Arab Heritage Council. In 1972 he was named Director of Government Relations for Genesee Intermediate School District.

As the father of 6 children, Ted knows firsthand the hopes and dreams of parents for their children. This understanding of the vital need for quality education fueled Ted's fight for the right of every student to be able to learn in a safe, clean, modern environment. He worked with the Michigan State Legislature in 1978 to get the school zone speed limit law passed. He vigorously lobbied in Lansing and Washington to obtain funding for the schools in the Genesee Intermediate School District. Time and time again he has fought on behalf of individual school districts for disputed money. Ted is effective at communicating to legislators the needs of educators in their struggle to provide an up to date education to their students. He has earned the respect of educators, administrators, and legislators. I have trusted his advice and welcomed his input for many years.

Mr. Speaker, I ask the House of Representatives to rise with me and honor the service of Theodore Mansour to the people and children of Genesee County. His ethics, commitment and effectiveness have set an example that

public servants will try to emulate for years to come.

A PROCLAMATION RECOGNIZING
JESSICA TURNER**HON. ROBERT W. NEY**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. NEY. Mr. Speaker, Whereas, Jessica Turner has devoted herself to serving others through her membership in the Girl Scouts; and

Whereas, Jessica Turner has shared her time and talent with the community in which she resides; and

Whereas, Jessica Turner has demonstrated a commitment to meet challenges with enthusiasm, confidence and outstanding service; and

Whereas, Jessica Turner must be commended for the hard work and dedication she put forth in earning the Girl Scout Gold Award;

Therefore, I join with the Girl Scouts, the residents of Granville and the entire 18th Congressional District in congratulating Jessica Turner as she receives the Girl Scout Gold Award.

TRIBUTE TO JOANN ORFAN

HON. TAMMY BALDWIN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Ms. BALDWIN. Mr. Speaker, I rise today to recognize Joann Orfan, who has been a tireless civil servant in the great city of Sun Prairie for over twenty years. This spring, much to the regret of the Sun Prairie residents, Mrs. Orfan will be retiring from her post as Mayor. The indelible mark that Joann Orfan has left on the city will be long felt after her tenure as Mayor is over.

Joann has described herself as a farm girl from Nebraska who sought to find a city with small town values to settle down in and raise her family. While Sun Prairie is the third largest city in the Second District of Wisconsin, it has been able to retain a friendly, small town appeal. Through her hard work over the last twenty years Sun Prairie continues to be a great place to raise a family.

Joann Orfan has served the city in many capacities. She began serving as Mayor in May of 1990 after being a member of the Sun Prairie City Council for sixteen years. While serving on the City Council, she was a leader on the Planning and Zoning Committee. Joann was a charter member of the Prairie Industrial Corporation, a member of the Chamber of Commerce, and has on the Colonial Club Long Range Planning Committee. Each decision she made in these various positions has shaped Sun Prairie into a town that all residents can be proud of.

Since October of 2002, Joann Orfan has been confined to a wheelchair as a result of neuropathy in both her legs. With the same spirit, strength and courage that the people of Sun Prairie have seen so many times she has taken on this new challenge. As Joann Orfan retires as Mayor, the people of Sun Prairie will

miss her leadership, but Joann's friends and family look forward to spending more time with her. Today, I join Joann Orfan's friends, family, and colleagues in sincerely thanking her for her service to Sun Prairie and its residents.

IN RECOGNITION OF CONGRESSIONAL AWARD GOLD MEDAL WINNERS

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. SHAW. Mr. Speaker, I rise today in recognition of the members of Florida's 22nd Congressional District who have been selected as recipients of The Congressional Award Gold Medal. At this time, there are nearly 13,000 young Americans participating in The Congressional Award program. Of these participants, Congress has presented its highest award attributed to young people, The Congressional Award Gold Medal, to 150 outstanding individuals. I would like to recognize six students living in Florida's 22nd District who have been honored with this award, as well as, two other Congressional Gold Medal recipients from 2001.

Christopher Balogh, from Jupiter, Florida earned the Bronze Medal on July 6, 2001, the Silver Medal on July 16, 2002, and the Gold Medal on March 24, 2003.

Peter Brannen, from Palm Beach, Florida, earned the Bronze Medal on May 7, 2000, the Silver Medal on April 18, 2001, and the Gold Medal on November 19, 2002.

Elizabeth Counts, from Jupiter, Florida, earned the Bronze Medal on April 6, 2000, the Silver Medal on April 18, 2001, and the Gold Medal on March 24, 2003.

Chelsea Ewer, from Palm Beach, Florida, earned the Bronze Medal on May 18, 2001, the Silver Medal on April 11, 2002, and the Gold Medal on March 24, 2003.

Matthew Mills, from Jupiter, Florida, earned the Bronze Medal on July 18, 2000, the Silver Medal on July 5, 2001, and his paperwork is currently in review for the Gold Medal.

Chad Vezin, from Jupiter, Florida, earned the Bronze Medal on April 6, 2000, the Silver Medal on April 17, 2001, and the Bronze Medal on January 29, 2003.

Mr. Speaker, I congratulate these students on this honor and wish them the best of luck in their bright futures.

HONORING WILLIAM T. "BILL" ROBINSON III AS HE RECEIVES THE CINCINNATI BAR ASSOCIATION'S THEMIS AWARD

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. PORTMAN. Mr. Speaker, I rise to honor a friend and constituent, William T. "Bill" Robinson III, who will receive the Cincinnati Bar Association's (CBA) prestigious Themis Award on May 2, 2003.

The Themis Award, given only three times before in the history of the Cincinnati Bar Association, is presented to an individual who

provides extraordinary service to the Bar Association, the legal profession and the general community.

Bill Robinson has been a dedicated member of the CBA for more than thirty years. He served as President of the Kentucky Bar Association; founding Chair of the Kentucky IOLTA Fund; President of the Kentucky Bar Foundation; and Co-Founder and President of the Salmon P. Chase College of Law American Inn of Court.

At the national level, Bill's service is unparalleled. He is currently Chair of the Finance Committee and Member of the Executive Committee of the Board of Governors of the American Bar Association (ABA). He has also served as State Delegate to the ABA Nominating Committee; President of the National Caucus of State Bar Associations; Member of the Executive Committee of the National Conference of Bar Presidents; and Chairman of the ABA's Standing Committee on Bar Activities and Services and the ABA's Standing Committee on Substance Abuse. He is an invited Fellow of the International Society of Barristers; a Fellow of the American Academy of Appellate Lawyers; and a Sustaining Member of the American Bar Foundation.

Bill has been critically involved in our region's growth and economic development. Currently, he serves as Vice Chair of the Board of Directors of the Cincinnati/Northern Kentucky International Airport and Chair of its Finance Committee. He co-founded the Metropolitan Growth Alliance of Greater Cincinnati, and serves as Vice Chair for Economic Development for the Greater Cincinnati Chamber of Commerce, Chair of the Partnership for Greater Cincinnati, and a Founding Board Member and Secretary/Treasurer of the Tri-County Economic Development Commission.

Bill's community involvement also includes service as Board Member, Treasurer, Co-Chair and Board Member Emeritus of the National Conference of Community and Justice; Advisory Trustee of the National Underground Railroad Freedom Center; and board memberships for the Cincinnati Institute of Fine Arts; the Cincinnati Symphony Orchestra; the Dan Beard Council of the Boy Scouts; and Mount St. Joseph College.

His previous awards are impressive: the Cincinnati Jewish Committee's Judge Learned Hand Human Relations Award; the Greater Cincinnati Foundation's Jacob E. Davis Volunteer Leadership Award; and the Governor's Economic Development Award for Kentucky.

Bill is Member-In-Charge of the Greater Cincinnati offices of Greenebaum Doll & McDonald PLLC. He and his wife, Joan, have two sons and one granddaughter.

All of us in Cincinnati thank Bill for his extensive service to our area, and congratulate him on receiving the CBA's prestigious Themis Award.

THE TERROR MASTERS

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 29, 2003

Mr. ISRAEL. Mr. Speaker, I rise today to share with my colleagues this provocative piece by Steven Emerson from the Wall Street Journal on Friday, April 18, 2003.

THE TERROR MASTERS

(By Steven Emerson)

Eighteen years after the execution of American Leon Klinghoffer on the Italian cruise liner Achille Lauro, the U.S. has demonstrated by the capture of Abu Abbas that it will not wipe the slate clean on international terrorism. For years, however, diplomatic niceties and misplaced State Department priorities subverted this principle, enabling purveyors of terrorism to literally get away with murder. The war of liberation in Iraq now provides the U.S. with an opportunity to ensure that those Arab leaders and regimes who have carried out or threatened attacks against this country and its citizens are subject to American justice.

Because of its conspicuously brazen support for Saddam Hussein in transferring military supplies to Baghdad and providing sanctuary to Iraqi Baathists, and in encouraging Arab fighters to go to Iraq to kill Americans, Syria's role in supporting terrorism and threatening American interests has finally come into focus. That it took actual complicity in the killing of American soldiers in Iraq for us to finally confront Damascus is a measure of how successful Syria was in deceiving the world, with the connivance of even the U.S. All one has to do is read the State Department's annual reports on international terrorism which have stated with mantra-like repetition, that Syria has not been involved in "international terrorism" since 1986.

Given the fact that the Israeli borders with Syria and Lebanon are international borders, I have always failed to see how the State Department could portray Damascus in this light given its direct support, training, supplies and sanctuary extended to Hamas, Islamic Jihad and Hezbollah, to name just a few of the groups that serve as de facto members of the Syrian foreign service. Since 1988, more than 1200 Israelis and some 30 Americans have been killed in Israel, the West Bank and Gaza by groups headquartered in, or sponsored by, Damascus. Recently, the U.S. indicted the head of Islamic Jihad, Ramaddan Abdullah Shallah, on charges including murder. Shallah continues to receive sanctuary in Damascus, where he routinely issues threats against the U.S.

After Sept. 11, Syria pretended to be helping the U.S. in the war on al Qaeda, as evidenced by Damascus' arrest of a senior suspected al Qaeda operative. The State Department even issued a statement lauding Syria's role in the fight against al Qaeda. But the reality was different. Testimonies, court records and wiretaps introduced in Italian trials of Al Qaeda and other militant Islamic leaders show that Syria has been working hand-in-hand with Islamic extremists in Europe for years, providing transit, sanctuary and training for al Qaeda terrorists traveling

between Iraq and the Arab world. An eye-opening expose, by Sebastian Rotella in this week's Los Angeles Times, shows in incredible detail how Syria served as a hub for al Qaeda terrorists shuttling between Iraq, Syria and Europe. U.S. officials believe that at least one of the primary 9/11 plotters spent extensive time in Syria and that Syrian front-companies in Europe worked intimately with al Qaeda.

According to U.S. intelligence, conspirators in the 1996 bombing of the Khobar Towers in Saudi Arabia that killed 19 American servicemen met repeatedly in Syria to plan the terrorist operation—meetings that could not have taken place without the knowledge of the Syrian regime. Syria's role in attacking Americans goes way back. In 1983, Syria—together with Iran and the Hezbollah—coordinated the bombing of the Marine barracks in Beirut, killing 241 Marines.

The capture of Palestinian terrorist leader Abu Abbas has provoked demands from the Palestine Authority that he be immediately released and claiming that the slate had been wiped clean by the Oslo Accords. Under the PA's reasoning, compliance with treaties need only be one-way since both Abbas and the PA brazenly violated the terms of Oslo by continuing to carry out terrorist attacks.

Since October 2000, Abbas's group, the Palestine Liberation Front, has transferred millions of dollars to the families of Palestinian suicide bombers. Abbas has dispatched terrorists trained in his Iraq-based training camps to the West Bank to carry out major attacks on Ben Gurion airport, poison Israel's water supply and attack schools and other civilian targets.

The Palestinian Authority's defense of Abbas is not just symbolic; it's self-protecting. If Abbas goes down, so could Yasser Arafat. If Abbas is prosecuted for Achille Lauro, or for the funding given to the families of suicide bombers (some of whose victims included Americans in Israel), Arafat's complicity in these terrorist plots would almost certainly be exposed. And if a true accounting were to be made, the role of the Tanzim and the al Aqsa Brigades—terrorist groups directly sponsored by Arafat—would show that roles in the killing of hundreds of Israelis and at least 15 Americans in the past 30 months. As for the mass murder carried out by Hamas and Islamic Jihad, the PA today continues to protect the killers and masterminds.

The duplicitous role of Saudi Arabia in extending support to al Qaeda, Hamas and other terrorist groups also needs to be fully exposed. In the buildup to the war, Saudi Arabia demonstrated where it really stood on al Qaeda by releasing Sheikh Saeed bin Zuair, a military Islamic cleric whose release had been demanded by Osama bin Laden in a tape distributed last year. (The other person whose release was demanded by bin Laden was Sheikh Omar Abdul Rahman, convicted for his role in the WTC related conspiracies in 1993.)

In unprecedented ways, the war of liberation of Iraq has provided a unique opportunity to see exactly where Arab nations and Islamic leaders have stood on the issue of international terrorism. If anything, the war has enabled Americans to see an unvarnished reality of true attitudes toward the U.S.

Daily Digest

HIGHLIGHTS

Senate confirmed the nomination of Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit.

Senate

Chamber Action

Routine Proceedings, pages S5439–S5499

Measures Introduced: Nineteen bills and five resolutions were introduced, as follows: S. 931–949, S. Res. 122–125, and S. Con. Res. 39. **Pages S5483–84**

Measures Reported: Report to accompany S. 113, to exclude United States persons from the definition of “foreign power” under the Foreign Intelligence Surveillance Act of 1978 relating to international terrorism. (S. Rept. No. 108–40) **Page S5482**

Measures Passed:

Supporting St. Tammany Day: Senate agreed to S. Con. Res. 39, supporting the goals and ideals of St. Tammany Day on May 1, 2003, as a national day of recognition for Tammen and the values he represented. **Page S5497**

National Charter Schools Week: Senate agreed to S. Res. 125, designating April 28, 2003, through May 2, 2003, as “National Charter Schools Week.” **Pages S5498–99**

Nomination Considered: Senate resumed consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit. **Pages S5458–72**

A motion was entered to close further debate on the nomination and, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, a vote on the cloture motion will occur on Thursday, May 1, 2003. **Pages S5471–72**

A unanimous-consent agreement was reached providing for further consideration of the nomination on Wednesday, April 30, 2003. **Page S5499**

Digital and Wireless Network Technology Program Act—Agreement: A unanimous-consent agreement was reached providing for consideration of S. 196, to establish a digital and wireless network

technology program, at 11 a.m., on Wednesday, April 30, 2003, with a vote to occur thereon.

Page S5499

Nominations Confirmed: Senate confirmed the following nominations:

By 52 yeas 41 nays (Vote No. EX. 135), Jeffrey S. Sutton, of Ohio, to be United States Circuit Judge for the Sixth Circuit. **Pages S5440–58, S5499**

Messages From the House:

Page S5481

Executive Communications:

Pages S5481–82

Executive Reports of Committees:

Pages S5482–83

Additional Cosponsors:

Pages S5484–86

Statements on Introduced Bills/Resolutions:

Pages S5486–97

Additional Statements:

Pages S5476–81

Notices of Hearings/Meetings:

Page S5497

Authority for Committees to Meet:

Page S5497

Record Votes: One record vote was taken today. (Total—135) **Pages S5457–58**

Adjournment: Senate met at 10 a.m., and adjourned at 7:12 p.m., until 10 a.m., on Wednesday, April 30, 2003. (For Senate’s program, see the remarks of the Acting Majority Leader in today’s Record on page S5499.)

Committee Meetings

(Committees not listed did not meet)

OVERSEAS BASING REQUIREMENTS

Committee on Appropriations: Subcommittee on Military Construction concluded hearings to examine overseas basing requirements, after receiving testimony from Gen. James L. Jones, Commander, United States European Command; and Gen. Leon J. LaPorte, Commander, United Nations Command,

Republic of Korea-United States Combined Forces Command, and United States Forces Korea.

AMTRAK

Committee on Commerce, Science, and Transportation: Committee concluded hearings to examine the future of intercity passenger rail service and Amtrak, focusing on the company's fiscal year 2004 budget request, a rail system based on restructured federal/state/private roles and corridor services, partnerships among states and the federal government, securing federal funding sources, redesigning long-distance trains to complement corridor services and minimize operating losses, long term debt, and operating and capital needs, after receiving testimony from Michael P. Jackson, Deputy Secretary, and Kenneth M. Mead, Inspector General, both of the Department of Transportation; David L. Gunn, President and Chief Executive Officer, Amtrak; David D. King, North Carolina Department of Transportation, Raleigh, on behalf of States for Passenger Rail Coalition; John H. Winner, Harral, Winner, Thompson, Sharp, Lawrence, Inc., Potomac, Maryland; Hank Dittmar, Great American Station Foundation, Las Vegas, New Mexico, on behalf of Reconnecting America; Alan Landes, Herzog Transit Services, St. Joseph, Missouri; and Michael P. Pracht, Railway Supply Institute, Alexandria, Virginia.

BUSINESS MEETING: COMPREHENSIVE ENERGY LEGISLATION

Committee on Energy and Natural Resources: Committee met to consider comprehensive energy legislation, focusing on provisions relating to Indian energy policy and programs, research and development, and transportation fuels, including alternative fuel programs,

but did not complete action thereon, and will meet again on Wednesday, April 30.

NATO ENLARGEMENT

Committee on Foreign Relations: Committee concluded hearings to examine the developing situations in the Middle East and on the Korean Peninsula, and a resolution of ratification to the Accession Protocols that will expand the NATO Alliance to include Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, after receiving testimony from Colin L. Powell, Secretary of State.

SARS

Committee on Health, Education, Labor, and Pensions: Committee concluded hearings to examine the status of the Severe Acute Respiratory Syndrome threat, after receiving testimony from Julie L. Gerberding, Director, Centers for Disease Control and Prevention, Department of Health and Human Services; and James G. Young, Ontario Ministry of Public Safety and Security, Canada.

ASSISTED LIVING REPORT

Special Committee on Aging: Committee concluded hearings to examine the Assisted Living Workgroup's report entitled "Assuring Quality in Assisted Living: Guidelines for Federal and State Policy, State Regulation, and Operations," after receiving testimony from Stephen McConnell, Alzheimer's Association, Washington, D.C.; Dan B. Madsen, Leisure Care, Inc., Bellevue, Washington, on behalf of the American Seniors Housing Association; and Robert L. Mollica, National Academy for State Health Policy, Portland, Maine.

House of Representatives

Chamber Action

Measures Introduced: 37 public bills, H.R. 1835–1871; 1 private bill, H.R. 1872; and 6 resolutions, H. Con. Res. 156–157, and H. Res. 204–207, were introduced. **Pages H3450–52**

Additional Cosponsors: **Pages H3452–54**

Reports Filed: Reports were filed today as follows: H.R. 810, to amend title XVIII of the Social Security Act to provide regulatory relief and contracting flexibility under the Medicare Program, amended (H. Rept. 108–74, Pt. 2);

H.R. 1350, to reauthorize the Individuals with Disabilities Education Act, amended (Rept. 108–77);

H.R. 1346, to amend the Office of Federal Procurement Policy Act to provide an additional function of the Administrator for Federal Procurement Policy relating to encouraging Federal procurement policies that enhance energy efficiency, amended (H. Rept. 108–78 Pt. 1); and

H. Res. 206, providing for consideration of H.R. 1350, to reauthorize the Individuals with Disabilities Education Act (H. Rept. 108–79). **Page H3450**

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Biggert to act as Speaker pro tempore for today. **Page H3409**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rev. Edward J. Burns, Executive Director, Secretariat for Vocations and Priestly Formation, United States Conference of Catholic Bishops. **Page H3409**

Capitol Preservation Commission: Read a letter from Representative Ehlers wherein he appointed Representative Mica to be his designee on the Capitol Preservation Commission. **Page H3411**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Recognizing Operation Respect and the "Don't Laugh At Me" Programs: H. Res. 161, amended, recognizing the achievements of Operation Respect, the "Don't Laugh At Me" programs, and Peter Yarrow. Agreed to amend the title so as to read: "Resolution recognizing the achievements of Operation Respect and the 'Don't Laugh At Me' programs."; **Pages H3411–15**

Commending Students in Free Enterprise (SIFE): H. Res. 107, amended, commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization, and its president, Alvin Rohrs. Agreed to amend the title so as to read: "Resolution commending and supporting the efforts of Students in Free Enterprise (SIFE), the world's preeminent collegiate free enterprise organization."; **Pages H3415–17**

Ongoing Contributions of Charter Schools: H. Res. 204, congratulating charter schools across the United States, and the students, parents, teachers, and administrators of such schools, for their ongoing contributions to education (agreed to by yeas-and-nay vote of 403 yeas with none voting "nay" and 5 voting present, Roll No. 146); **Pages H3417–20, H3432–33**

175th Anniversary of the Capitol Police: H. Con. Res. 156, extending congratulations to the United States Capitol Police on the occasion of its 175th anniversary and expressing gratitude to the men and women of the United States Capitol Police and their families for their devotion to duty and service in safeguarding the freedoms of the American people (agreed to by yeas-and-nay vote of 409 yeas with none voting "nay", Roll No. 147); **Pages H3420–22, H3433–34**

Support for Patriots' Day and Honoring the Nation's First Patriots: H. Con. Res. 149, expressing support for the celebration of Patriots' Day on April 19th and honoring the Nation's first patriots (agreed

to by yeas-and-nay vote of 411 yeas with none voting "nay", Roll No. 148). Agreed to amend the title so as to read: "Concurrent Resolution expressing support for the celebration of Patriots' Day and honoring the Nation's first patriots."; **Pages H3422–25, H3434**

Centennial Anniversary of the National Wildlife Refuge System: H. Res. 173, recognizing the achievements and contributions of the National Wildlife Refuge System on the occasion of its centennial anniversary and expressing strong support for the continued success of the National Wildlife Refuge System; **Pages H3425–28**

Gila River Indian Community Judgment Fund Distribution: S. 162, to provide for the use and distribution of certain funds awarded to the Gila River Pima-Maricopa Indian Community—clearing the measure for the President; and **Pages H3428–31**

Blackwater National Wildlife Refuge Expansion: H.R. 274, to authorize the Secretary of the Interior to acquire the property in Cecil County, Maryland, known as Garrett Island for inclusion in the Blackwater National Wildlife Refuge. **Pages H3431–32**

Recess: The House recessed at 4:28 p.m. and reconvened at 6:34 p.m. **Page H3432**

Committee Election: The House agreed to H. Res. 205, electing Representative Putnam to the Committee on Resources. **Page H3435**

United States—China Security Review Commission: Read a letter from the Minority Leader wherein she announced her reappointment of Mr. George Becker of Pennsylvania, for a term to expire on December 31, 2005 and Mr. Michael Wessel of Virginia for a term to expire on December 31, 2004. **Page H3435**

Quorum Calls—Votes: Three yeas-and-nay votes developed during the proceedings of the House today and appear on pages H3432–33, H3433–34, H3434. There were no quorum calls.

Adjournment: The House met at 2 p.m. and adjourned at 9:20 p.m.

Committee Meetings

MISSING, EXPLOITED AND RUNAWAY YOUTH

Committee on Education and the Workforce: Subcommittee on Select Education held a hearing entitled "Missing, Exploited and Runaway Youth: Strengthening the System." Testimony was heard from public witnesses.

STRENGTHENING AND REJUVENATING OUR NATION'S COMMUNITIES AND THE HOPE VI PROGRAM

Committee on Financial Services: Subcommittee on Housing and Community Opportunity held a hearing entitled "Strengthening and Rejuvenating our Nation's Communities and the HOPE VI Program." Testimony was heard from Michael Liu, Assistant Secretary, Public and Indian Housing, Department of Housing and Urban Development; and public witnesses.

PROPOSED NATIONAL SECURITY PERSONNEL SYSTEM

Committee on Government Reform: Subcommittee on Civil Service and Agency Organization held a hearing on "Transforming the Defense Department: Exploring the Merits of the Proposed National Security Personnel System." Testimony was heard from David S.C. Chu, Under Secretary, Personnel and Readiness, Department of Defense; Dan G. Blair, Deputy Director, OPM; David M. Walker, Comptroller General, GAO; and public witnesses.

WHY IS SBA LOSING GROUND ON FINANCIAL MANAGEMENT?

Committee on Government Reform: Subcommittee on Government Efficiency and Financial Management held a hearing on "Why is SBA Losing Ground on Financial Management?" Testimony was heard from Linda Calbom, Director, Financial Management and Assurance, GAO; the following officials of the SBA: Thomas Dumaresq, Chief Financial Officer; and Peter McClintock, Deputy Inspector General; and public witnesses.

HOMELAND DEFENSE

Committee on Government Reform: Subcommittee on National Security, Emerging Threats and International Relations hearing on "Homeland Defense: Old Force Structures for New Missions?" Testimony was heard from the following officials of the Department of Defense: Paul McHale, Assistant Secretary, Homeland Defense; Thomas F. Hall, Assistant Secretary, Reserve Affairs; and Lt. Gen. Edward G. Anderson III, USA, Deputy Commander, U.S. Northern Command and Aerospace Defense Command; Raymond Decker, Director, Defense Capabilities Management Team, GAO; and public witnesses.

FEDERAL GRANTS MANAGEMENT

Committee on Government Reform: Subcommittee on Technology, Information Policy, Intergovernmental Relations and the Census held a hearing on "Federal Grants Management: A Process Report on Streamlining and Simplifying the Federal Grants Process." Testimony was heard from Linda M. Springer, Con-

troller, Office of Federal Financial Management, OMB; Ed Sontag, Assistant Secretary, Administration and Management, Department of Health and Human Services; Paul Posner, Managing Director, Federal Budget and Intergovernmental Relations, GAO; and public witnesses.

NATO AND ENLARGEMENT

Committee on International Relations: Subcommittee on Europe held a hearing on NATO and Enlargement: Progress Since Prague. Testimony was heard from Robert A. Bradtke, Deputy Assistant Secretary, Bureau of European and Eurasian Affairs, Department of State; and Ian J. Brzezinski, Deputy Assistant Secretary, European and NATO Policy, Department of Defense.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Subcommittee on Crime held a hearing on the following bills: H.R. 21, Unlawful Internet Gambling Funding Prohibition Act; and H.R. 1223, Internet Gambling Licensing and Regulation Commission Act. Testimony was heard from Representative Leach; John G. Malcolm, Deputy Assistant Attorney General, Criminal Division, Department of Justice; and public witnesses.

PRISON RAPE REDUCTION ACT

Committee on the Judiciary: Subcommittee on Crime held a hearing on H.R. 1707, Prison Rape Reduction Act of 2003. Testimony was heard from Tracy Henke, Principal Deputy Assistant Attorney General, Office of Justice Programs, Department of Justice; Ashbel T. Wall II, Director, Department of Corrections, State of Rhode Island; and public witnesses.

OVERSIGHT—GROWING PROBLEM OF INVASIVE SPECIES

Committee on Resources: Subcommittee on Fisheries Conservation, Wildlife and Oceans and the Subcommittee on National Parks, Recreation, and Public Lands held a joint oversight hearing on the Growing Problem of Invasive Species. Testimony was heard from James Tate, Jr., Science Advisor to the Secretary, Department of the Interior; Chuck Lambert, Deputy Under Secretary, Marketing and Regulatory Programs, USDA; Stephen Brandt, Director, Great Lakes Environmental Research Lab, NOAA, Department of Commerce; Edwin Theriot, Mississippi Valley Division, Army Corps of Engineers, Department of the Army; and public witnesses.

IMPROVING EDUCATION RESULTS FOR CHILDREN WITH DISABILITIES ACT

Committee on Rules: Granted, by voice vote, a structured rule on H.R. 1350, Improving Education Results for Children with Disabilities Act of 2003, providing one hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Education and the Workforce. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Education and the Workforce now printed in the bill shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule makes in order only those amendments printed in the Rules Committee report accompanying the resolution. The rule provides that the amendments printed in the report shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for a division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Chairman Boehner and Representatives McKeon, Castle, DeMint, Musgrave, Nethercutt, Bass, Simmons, Kirk, Bradley of New Hampshire, George Miller of California, Woolsey, Davis of California, Van Hollen, Millender-McDonald, Larson of Connecticut.

COMMITTEE MEETINGS FOR WEDNESDAY, APRIL 30, 2003

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations: Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine health care access and affordability, 9:30 a.m., SD-124.

Subcommittee on Homeland Security, to hold hearings to examine proposed budget estimates for fiscal year 2004 for Homeland Security, 10 a.m., SD-106.

Subcommittee on District of Columbia, to hold hearings to examine proposed budget estimates for fiscal year 2004 for the District of Columbia Courts, 10 a.m., SD-138.

Subcommittee on Defense, to hold hearings to examine medical programs of the Department of Defense, 11 a.m., SD-192.

Subcommittee on Foreign Operations, to hold hearings to examine proposed budget estimates for fiscal year 2004 for foreign operations, 1:30 p.m., SD-138.

Committee on Commerce, Science, and Transportation: to hold hearings to examine the Fire Research Act, 9:30 a.m., SR-253.

Committee on Energy and Natural Resources: business meeting to consider comprehensive energy legislation, 10 a.m., SD-366.

Committee on Foreign Relations: business meeting to consider Treaty Doc. 108-4, Protocols to the North Atlantic Treaty of 1949 on the Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, and S. Con. Res. 26, condemning the punishment of execution by stoning as a gross violation of human rights, 10 a.m., SD-419.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings to examine U.S. energy security, focusing on Russia and the Caspian, 2:30 p.m., SD-419.

Committee on Indian Affairs: to hold hearings to examine S. 519, to establish a Native American-owned financial entity to provide financial services to Indian tribes, Native American organizations, and Native Americans, 2 p.m., SR-485.

Committee on the Judiciary: to hold hearings to examine pending nominations, 10 a.m., SD-226.

House

Committee on Agriculture, hearing on the Administration's Healthy Forests Initiative, 10 a.m., 1300 Longworth.

Committee on Appropriations, Subcommittee on Defense, executive, on U.S. Special Operations Command, 1:30 p.m., H-140 Capitol.

Subcommittee on the District of Columbia, on D.C. Courts, 1:30 p.m., 2362 Rayburn.

Subcommittee on Foreign Operations, Export Financing, and Related Programs, on Secretary of the Treasury, 10 a.m., 2359 Rayburn.

Subcommittee on Homeland Security, on Emergency Preparedness and Response Directorate, 2 p.m., 2358 Rayburn.

Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Employment Assistance and Training Activities Panel, 10:15 a.m., 2358 Rayburn.

Subcommittee on Transportation and Treasury, and Independent Agencies, on Executive Office of the President, 10 a.m., 2358 Rayburn.

Committee on Energy and Commerce, to mark up the following measures: H. Con. Res. 108, encouraging corporations to contribute to faith-based organizations; H. Con. Res. 110, recognizing the sequencing of the human genome as one of the most significant scientific accomplishments of the past one hundred years and expressing support for the goals and ideals of Human Genome Month and DNA Day; H. Con. Res. 147, commemorating the 20th Anniversary of the Orphan Drug Act and the National Organization for Rare Disorders; H. Res. 201, expressing the sense of the House of Representatives that

our Nation's businesses and business owners should be commended for their support of our troops and their families as they serve our country in many ways, especially in these days of increased engagement of our military in strategic locations around our Nation and around the world; and H.R. 1320, Commercial Spectrum Enhancement Act, 10 a.m., 2123 Rayburn.

Subcommittee on Commerce, Trade and Consumers Protection, hearing entitled "Travel and Tourism in America Today," 1 p.m., 2123 Rayburn.

Committee on Financial Services, hearing on United States monetary and economic policy, 10 a.m., 2128 Rayburn.

Committee on Government Reform, hearing on "Better Training, Efficiency and Accountability: Services Acquisition Reform for the 21st Century," 10 a.m., 2154 Rayburn.

Committee on International Relations, Subcommittee on International Terrorism, Nonproliferation and Human Rights, hearing on a Review of the State Department Country Reports on Human Rights Practices, 2 p.m., 2172 Rayburn.

Committee on Resources, to mark up the Healthy Forests Restoration Act of 2003, 10 a.m., 1324 Longworth.

Committee on Rules, to consider H.R. 1298, U.S. Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003, 2 p.m., H-313 Capitol.

Committee on Transportation and Infrastructure, Subcommittee on Coast Guard and Maritime Transportation and the Subcommittee on Water Resources and Environment, joint hearing on Interpretations of Existing Ownership Requirements for U.S. Flag Dredges, 2 p.m., 2167 Rayburn.

Subcommittee on Railroads, oversight hearing on Current Amtrak Issues, 10 a.m., 2167 Rayburn.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the following bills: H.R. 1460, Veterans Entrepreneurship Act of 2003; H.R. 1712, Veterans Federal Procurement Opportunity Act of 2003; and H.R. 1716, Veterans Earn and Learn Act, 10 a.m., 334 Cannon.

Committee on Ways and Means, Subcommittee on Select Revenue Measures, hearing on Challenges Facing Pension Plan Funding, 2:30 p.m., 1100 Longworth.

Next Meeting of the SENATE

10 a.m., Wednesday, April 30

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, April 30

Senate Chamber

Program for Wednesday: After the transaction of any morning business (not to extend beyond 11 a.m.), Senate will consider S. 196, Digital and Wireless Network Technology Program Act, with a vote to occur thereon at approximately 12 noon; following which, Senate will continue consideration of the nomination of Priscilla Richman Owen, of Texas, to be United States Circuit Judge for the Fifth Circuit.

House Chamber

Program for Wednesday: Consideration of H.R. 1350, Improving Education Results for Children With Disabilities (structured rule, one hour of general debate).

Extensions of Remarks, as inserted in this issue

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